

HON'BLE SRI JUSTICE A.RAJASHEKER REDDY

CMA No. 1011 OF 2011

-

JUDGMENT:

This Civil Miscellaneous Appeal is filed against judgment and order passed by the Railway Claims Tribunal Bench at Secunderabad in O.A.A.No.32 of 2004 dated 04.02.2010 for not awarding the interest from the date of application till the date of Award i.e., 04.02.2010.

Heard Sri Subba Rao Korrapati, learned counsel for the appellant and Sri T.S.Venkata Ramana, learned Standing Counsel for the Railways.

Learned counsel for the appellant submits that as per the judgment of the Apex Court in **Tahazhathe Purayil Sarabi v. Union of India (UOI)**^[1], the claimants are entitled for simple interest at the rate of 6% per annum from the date of petition till the date of award. He further submits that even a learned Single Judge of this Court in CMA No.4317 of 2004, has followed the judgment of the Apex Court while granting interest.

On the other hand, learned Standing Counsel for Railways opposed the same stating that though the accident occurred on 19.09.2003, the original application was filed on 19.02.2004, as such, the claimants are not entitled for interest for causing delay in filing the application. Since the dispute is only with regard to granting of interest, I need not go into other aspects. Admittedly, the Tribunal has not given any reasons for refusing to grant interest from the date of application till the date of Award.

In **Tahazhathe Purayil Sarabi v. Union of India (UOI)** (*supra*), the Hon'ble Supreme Court held as follows:

“We, therefore, allow the appeal and modify the order of the High Court dated 24.5.2007 affirming the order of the Trial Court and direct that the awarded sum will carry interest @6% simple interest per annum from the date of the application till the date of the Award and thereafter, at the rate of 9% per annum till the date of actual payment of the same.”

In view of law laid down by the Hon'ble Apex Court, which was followed by this Court in CMA NO.4317 of 2004, this CMA is to be allowed granting simple interest @ 6% per annum from the date of application till the date of Award and thereafter @ 9% per annum from the date of Award till realization. Therefore, the Award of the Tribunal dated 04.02.2010 is modified granting compensation of Rs.4,00,000/- with simple interest @ 6% per annum from the date of application till the date of Award and thereafter @ 9% per annum from the date of Award till realization.

Accordingly, the Civil Miscellaneous Appeal is allowed. There shall be no order as to costs. As a sequel thereto, miscellaneous petitions, if any, pending shall stand disposed of.

A.RAJASHEKER REDDY, J

25.01.2016
kvs

HON'BLE SRI JUSTICE A.RAJASHEKER REDDY

CMA.No.1011 OF 2011

Date:25.01.2016

kvs

[\[1\]](#) AIR 2009 SC 3098