

HONOURABLE SRI JUSTICE S.RAVI KUMAR
CMA.No.678 OF 2015

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ORDER:

This CMA is preferred against order dated 17th October, 2001 in O.A.A.No.212 of 2001 on the file of Railway Claims Tribunal, Secunderabad Bench at Secunderabad.

Appellants herein are claimants and they submitted application under Section 16 of the Railway Claims Tribunal Act read with Sections 124A and 125 of Indian Railways Act, 1989 claiming compensation of Rs.4,00,000/- alleging that one Mahaveer Chandrapal died in an untoward incident on 04.05.2001 when he fell down from Train No.324, Singareni Passenger and died on the spot. Railway Claims Tribunal on a consideration of material evidence granted compensation of Rs.4,00,000/- to the claimants and directed railways to pay the said amount within 60 days and failure to do so, ordered that it shall carry interest @ 6% per annum till realization.

Claimants preferred present appeal only on the ground that the claims tribunal has not granted any interest on the compensation amount from date of application and that is the only point on which the appeal is preferred.

Heard both sides.

Advocate for Railways submitted that claimants claimed interest @ 15% per annum, but they are not entitled at that rate and they are only entitled at 6% per annum that too from 2001 to 2006 i.e. from the date of filing of claim petition till the date of payment and they are not entitled for interest thereafter, for the delay period as the fault is on their part.

Advocate for appellants submitted that claimants have no objection to receive interest only from the date of application till the date of payment i.e. from 2001 to 2006 on the compensation

amount of Rs.4,00,00/- . Advocate for appellants further submitted that this Court in C.M.A.No.1162 of 2009 relying on the judgment of the Supreme Court held that claimant is entitled for interest, therefore, the award may be modified by awarding interest.

Considering the submissions of both sides, the appeal is disposed of at admission stage granting interest @ 6% per annum on the compensation amount from the date of claim application till date of realization and respondent/railways should pay interest amount within 60 days from today. There shall be no order as to costs.

As a sequel miscellaneous petitions, if any, pending in this appeal shall stand dismissed.

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JUSTICE S.RAVI KUMAR

Dated: 13-07-2016.

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DATED: 13.07.2016

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