

]HON'BLE SRI JUSTICE A.RAJASHEKER REDDY

CIVIL MISCELLANEOUS APPEAL No.133 OF 2014

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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.392 of 2003 dated 31.05.2011 for not awarding the interest from the date of application till the date of Award i.e., 31.05.2011.

2. Heard Sri A.K.Kishore Reddy, learned counsel for the appellants and Sri T.S.Venkata Ramana, learned Standing Counsel for the Railways.

3. Learned counsel for the appellants submits that as per the judgment of the Apex Court in **Tahazhathe Purayil Sarabi v. Union of India (UOI)**^[1], the appellants/applicants 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 C.M.A No.4317 of 2004, has followed the judgment of the Apex Court while granting interest.

4. Learned Standing Counsel submits that after passing of the award, entire amount has been paid to the appellants, as such the appellants/applicants are not entitled to interest.

5. 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.”

6. In view of law laid down by the Hon'ble Apex Court, which was followed by this Court in C.M.A NO.4317 of 2004, this C.M.A is to be allowed granting simple interest at the rate of 6% per annum from the date of application till the date of Award and thereafter at the rate of 9% per

annum from the date of Award till realization. Therefore, the Award of the Tribunal dated 31.05.2011 is modified 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. In all other respects, the Award of the Tribunal holds good.

7. Accordingly, the Civil Miscellaneous Appeal is allowed to the extent indicated above. 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

JANUARY 27, 2016
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Date: 27.01.2016

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^[1] AIR 2009 SC 3098