

IN THE HIGH COURT OF JUDICATURE AT PATNA
Miscellaneous Appeal No.555 of 2014

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Rambha Devi

.... Appellant/s

Versus

The Union of India Through The General Manager, East Central Railway,
Hajipur

.... Respondent/s

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Appearance :

For the Appellant/s : Mr. Anant Kumar-1

For the Respondent/s : Mr. Mahesh Prasad

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CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

8 20-07-2017

Heard Mr. Rabindra Prasad Singh, Advocate on behalf
of the intervenor respondent.

In view of the submission made in the limitation
petition, petition for condonation of delay is allowed and delay is
condoned.

The aforesaid appeal has been preferred against the
order dated 08.10.2013 passed in Claim application No. M.A.
0045/2004 and award allowed to the appellant. No interest
pendente lite, future prospect has been awarded to the appellant and
this appeal has been preferred only on the limited point of grant of
interest, pendente lite and future interest.

During the course of argument, learned counsel for
intervenor-petitioner appeared that he has also filed an I.A.
application that he is also one of claimant and award earlier allowed
has been deposited, but he has not been given any amount.
However, this is not proper forum to decide the same rather he may
file petition before the Claim Tribunal raising his grievances.
Hence, I.A. petition filed by him is disposed of.



So far claim of interest is concerned, the appellant has referred decision reported in **A.I.R. 2009 Supreme Court 3098 (Thazhathe Purayil Sarabi & Ors. V. Union of India & Anr.)** in support of his claim for interest pendente lite and future.

Having heard both sides and in view of law settled down by the Hon'ble Supreme Court as well as this Court also, in various decisions, which has been annexed with this appeal as Annexure-3 and Annexure-4, by which interest was allowed. This appeal is allowed to the extent that the appellant is entitled for 6% interest per annum, during the pendency of the claim case and further 6% interest from the date of award till the date of actual payment.

It is also made clear that if the actual payment has already been made as per award under challenge, the rest of the amount calculated on the basis of interest as directed above, be paid within a period of 60 days.

(Vinod Kumar Sinha, J)

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