

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATE : 09.01.2017

CORAM:

THE HONOURABLE Mr.JUSTICE N.SESHASAYEE

C.M.A.No.1284 of 2008

1. Kuni Eswaraiah
2. Kuni Lakshamiah. Appellants/Appellants/Conts

Vs.

Union of India,
Owning Southern Railway
rep. By General Manager. Respondent/Respondents

Prayer : Civil Miscellaneous Appeal preferred under Section 23 of the Railway Claims Tribunal Act 54 of 1987, against the order dated 15.11.2007 passed by the Railway Claims Tribunal, Chennai Bench in O.A.No.19 of 2004.

For Appellants : Mr.T.Raja Mohan
For Respondent : Mr.A.P.Srinivasa

J U D G M E N T

The appeal arises out of orders passed by the Railways Claims Tribunal by defend claimants out of damages/compensation.

2. The question involved is : Whether interest is payable on the award amount from the date of claim petition or from the date on which orders are passed by the Railway Claims Tribunal. This is now settled by the Hon'ble Supreme Court in Thazhathe Purayil Sarabi & Others Vs. Union of India and another [AIR 2009 SC 3098]. After indicating that neither the Railway Claims Tribunal Act, 1987 nor the Railways Act 1989, provides for payment of compensation or rather silent on it, the Hon'ble Supreme Court considered the implications of Sec. 3 of the Interest Act, 1979 as well as Sec. 34 of Code of Civil Procedure it held that interest may be claimed on any amount decreed or awarded for a period during which the money became due and yet remained unpaid to the claimants. After going specifically into the question whether the interest would be payable from the date of claim or from the date of award, the Supreme Court held that while two divergent views are possible, the more consistent view has been the one in favour granting interest from the date of claim.

3. I, therefore, opt to lean in favour of the more predominant or judicially preferred view which the Supreme Court has underscored and hold that the appellants are entitled to claim interest at the rate indicated in the award of Railway Claims Tribunal from the date of the claim petition.

4. This Civil Miscellaneous Appeal is allowed accordingly. No costs.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

To:

1. The Section Officer,
V.R.Section,
High Court, Madras - 104.

2 The Railway Claims Tribunal
Chennai Bench

+1cc to Mr.T. Rajamohan, Advocate, S.R.No.1860

rsy(CO)
md(10/02/2017)

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सत्यमेव जयते

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