

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 02.01.2017

CORAM : THE HON'BLE Mr.JUSTICE N. SESHASAYEE

C.M.A.Nos.517, 686, 1764, 1913 & 1975 of 2008

CMA.No.517 of 2008:

1.Sheela

2.N.Priyanka (minor aged 15 years)

3.N.Sarika (minor aged 13 years)

Respondents 2 & 3 are rep. by mother &
next friend Tmt.Sheela ..Appellants/Applicant

Vs

Union of India,
Owning Southern Railway,
Rep. by General Manager,
Chennai - 3.

..Respondent/Respondent

CMA.No.686 of 2008:

D.Devaki

..Appellant/Applicant

Vs

Union of India,
Owning Southern Railway,
Rep. by General Manager,
Chennai - 3.

..Respondent/Respondent

CMA.No.1764 of 2008:

1.Venkatammal

2.Gopalasamy

..Appellants/Applicants

Vs

Union of India,
Owning Southern Railway,
Rep. by General Manager,
Chennai - 3.

..Respondent/Respondent

CMA.No.1913 of 2008:

Meera Mohideen

..Appellant/Applicants

Vs

Union of India,
Owning Southern Railway,
Rep. by General Manager,
Chennai - 3.

.. Respondent/Respondent

CMA.No.1975 of 2008:

1.J.Soundaravalli

2.J.Rameshkumar

3.J.Karthika

..Appellants/Applicants 1,2,3

Vs

Union of India,
Owning Southern Railway,
Rep. by General Manager,
Chennai - 3.

.. Respondent/Respondent

Common Prayer : Civil Miscellaneous Appeals preferred under Section 23 of the Railway Claims Tribunal Act 54 of 1987 against the orders dated 25.09.2007, 05.10.2007, 26.09.2007, 19.12.2007 and 24.09.2007 passed by the Railway Claims Tribunal, Chennai Bench in O.A.No.57 of 2003, O.A.No.1 of 2004 , O.A.No.81 of 2003 , O.A.No.42 of 2004 and O.A.No.86 of 2003 and modified granting interest at 12% p.a. on the statutory compensation of Rs.4,00,000/- from the date of filling of the claim petition viz 18.12.2003,04.11.2003,09.08.2004,11.11.2003 & 31.07.2003 till the date of payment and the lost of the proceedings.

In CMA.Nos. 517, 686, 1764, 1913 of 2008:

For Appellant/Appellants : Mr.T.Rajamohan
For Respondent : Mr.V.Haribabu

In CMA.No.1975 of 2008:

For Appellant : Mr.T.Rajamohan
For Respondent : Mr.Udayakumar

COMMON JUDGMENT

All the appeals are arising out of different orders passed by the Railways Claims Tribunal in applications by different claimants seeking damages/compensation. Since a single question of law is involved in all these appeals, they are taken together and are being disposed of by a common order.

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 SCC 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 and 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 in all the appeals are entitled to claim interest at the rate indicated in their respective awards of Railway Claims Tribunal from the date of the claim petition.

4. All the appeals are allowed accordingly. No costs.

s/d-
Assistant Registrar(CO)

//True Copy//

Sub-Assistant Registrar

To:

1. The Railway Claims Tribunal,
Chennai Bench.
2. The General Manager
Union of India, Southern Railway, Chennai-3
- 3 .The Section Officer,
VR Section,
High Court, Madras.
- +4 CC to M/s. V. Haribabu, Advocate sr 37,38,39,40

C.M.A.No.517, 686, 1764, 1913 & 1975 of 2008

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