

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATE : 09.01.2017

CORAM: THE HONOURABLE Mr.JUSTICE N.SESHASAYEE

C.M.A.No.590 of 2008

1. V.Vanitha

2. V.Vijayalakshmi (minor). ... Appellants/Appelents

Vs.

Union of India,
Owning Southern Railway
rep. By General Manager,
Chennai-600 003.

... Respondent/Respondent

Prayer : Civil Miscellaneous Appeal preferred under Section 23 of the Railway Claims Tribunal Act 54 of 1987, against the order dated 20.09.2007 passed by the Railway Claims Tribunal, Chennai Bench in O.A.No.69 of 2003 be modified granting interest 12% Pa.in the Statutory Compensation of Rs.4,00,000/- from the date of filing at the claims application viz., 30.09.2003 till the date of payment.

For Appellants : Mr.T.Raja Mohan

For Respondent : Mr.B.Nedunchezhiyan

J U D G M E N T

The appeal is arising 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 Railway Claims Tribunal,
Chennai Bench.
2. The Section Officer,
V.R.Section,
High Court, Madras - 104.

+lcc to Mr.B.Nedunchezhiyan, Advocate SR.No.2034
+lcc to Mr.T.Rajendran, Advocate SR.No.1859.

सत्यमेव जयते C.M.A.No.590 of 2008

SCD (CO)
GN (10/02/2017)

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