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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

FAO No. 1520 of 2017 (O/M)
Date of decision : 7.3.2017

Suman Rani and others Appellant (s)

Versus

Union of India Respondent (s)

CORAM : HON'BLE MR. JUSTICE KULDIP SINGH

Present:- Mr. Somesh Gupta, Advocate, for the appellants.

Mr. Karmander Singh, Advocate, for respondent.

1. Whether the Reporters of local newspaper may be allowed to see the judgment ?
2. To be referred to the Reporter or not.
3. Whether the judgment should be reported in the digest ?

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KULDIP SINGH J. (ORAL)

Heard.

Notice of motion.

On asking of the Court, Mr. Karmander Singh, Advocate, accepts notice on behalf of respondent.

The appellants had filed the claim petition before the Railway Claims Tribunal, Chandigarh Bench, Chandigarh, which allowed the claim petition of the claimants, vide order dated 3.2.2017. The appellants are aggrieved by certain conditions imposed in the order dated 3.2.2017, while releasing the payment and also the non grant of interest for the period during which the claim application remained pending before the Tribunal. It comes out that no interest has been allowed from the date of filing the claim petition till its decision.

I am of the view that once the claimants have made the claim

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and the Tribunal allowed the same, the claimants are entitled to interest at the rate of 9% per annum from the date of filing the claim petition i.e. 23.12.2013 till the date of decision and the same rate of interest is payable to the claimants.

Regarding the second part impugned by the appellants is reproduced as under :-

“ However, out of the compensation amount payable to the applicant No. 1, initially, only 15% of the compensation amount shall be paid to her and rest of the entire amount together with interest accrued thereon shall be invested in the FDR in her favour for a period of three years. However, after one year, one third of the amount will be released to the applicant. The another one third will be released in the second year and the remaining amount will be released after the completion of third year. The amount of compensation payable to the parents of the deceased, as above, shall be paid to them immediately. In case, any of the parents are not alive, then his/her share in the compensation amount shall be apportioned in between the applicants, in equal shares.”

I am of the view that when the wife of the deceased is major and she has been awarded part of the compensation, such condition, in my view, is unreasonable. The entire responsibility of the family is on the widow. She needs the entire money to look after the minors as well as to run the affairs of the family. In these circumstances, the abovenoted portion of the order is set aside and the entire share of Suman Rani, widow of deceased, is ordered to be released to her alongwith interest in one go.

The appellants have also impugned another clause of order that the parents of the deceased, if alive, shall get Rs. 75,000/- each.

I am of the view that since the parents of the deceased had not

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approached the Tribunal and it is not known whether both of them or anyone of them is alive or not ? Such a speculative order should not be passed. Therefore, the order granting compensation to the parents of the deceased, if alive, is also set aside and the compensation shall go to the widow of the deceased.

Accordingly, the present appeal is allowed.

(KULDIP SINGH)
JUDGE

7.3.2017
sjks

Whether speaking / reasoned : Yes

Whether Reportable : No