

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR

CAFs No.1005/2021 and 822/2022 in First Appeal No.1174/2016 (D)

Jayashri and others V Union of India thr Central Railway, Mumbai

Office notes, Office Memoranda of
Coram, appearances, Court's orders
or directions and Registrar's orders.

Court's or Judge's Orders

Mr. P.R. Agrawal, Advocate for appellants.
Mr. R.G. Agrawal, Advocate for respondent.

CORAM : ABHAY AHUJA, J.

DATE : 19-10-2022

Heard.

This is an application filed by the appellants seeking enhancement of compensation of Rs. 2,56,496/- in accordance with the judgment of the Hon'ble Apex Court dated 29-11-2019 in the case of Union of India vs Dilip and others (Civil Appeal No.9124/2019), where the Hon'ble Apex Court after considering the decision in the case of Union of India vs Rina Devi¹ as well as the decision in the case of Union of India vs Radha Yadav² had allowed the appeal in question and passed the following order :-

"In the circumstances, the operative part of the directions issued by the High Court is not consistent with the law laid down by this Court. Consequently, we allow this appeal and direct that the compensation be computed taking interest @ 7.5% per annum in accordance with both the modalities namely;

(a) Which was in existence before the amendment with Rs.4 lakhs as the base figure.

¹ (2009) 3 SCC 572.

² 2019 4 SCC 410.

(b) Which came into existence after the amendment, with Rs.8 lakhs as the base figure.

The compensation shall thereafter be payable in accordance with the sum which is greater of the two, as laid down in the aforesaid judgments.

The appeal is allowed to the aforesaid extent. The amount of Rs.25,000/- deposited by the appellant pursuant to order dated 06.03.2018 passed by this Court towards costs of the respondent, shall also be made over to the respondent alongwith interest accrued thereon."

Learned Counsel would submit that this Court had while deciding the First Appeal granted liberty to the appellants to move an application in this Appeal after the decision of the Hon'ble Supreme Court in the case of *Union of India vs Dilip and others* (supra) for seeking additional amount of compensation if the occasion arises. Learned Counsel would submit that this is an application pursuant to the said liberty.

Having heard the learned Counsel and having perused the papers, issue notice to the respondents, returnable in two weeks.

List the matter on 17-11-2022.

(Abhay Ahuja, J.)