

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

C.A.O. NO.734/2018 AND M.C.A. STAMP NO.19459/2017

IN

FIRST APPEAL STAMP NO.19457/2017

Shamimbegum @ Shamimbano Wd/o Shaikh Shakil (@ Shaikh Chhotu @
 Mohammad Chhotu) and others

..Vs..

Union of India and another

 Office Notes, Office Memoranda of Coram,
 appearances, Court's orders of directions
 and Registrar's orders

Court's or Judge's orders

 Shri R.M. Tiwari, Advocate for the applicants.

CORAM : Z.A. HAQ, J.

DATE : 12.9.2018.

1. Shri R.M. Tiwari, learned Advocate for the applicants / appellants states that in view of the judgment delivered by the Division Bench of this Court in Civil Revision Application No.76/2016 in First Appeal Stamp No.6175/2016 (Smt. Rajabai Rajreddy Akitwar and others V/s. Union of India and another), miscellaneous civil application seeking permission to file and prosecute appeal as indigent person is not pressed and the applicants / appellants will pay court fees. In view of this, C.A.O. No.734/2018 and M.C.A. Stamp No.19459/2017 are **disposed** accordingly. No costs.

C.A.F. NO.1279/2018

2. For the reasons stated in the application, the delay of 22 days in filing appeal is condoned. The application is **allowed** accordingly. No costs.

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3. Husband of appellant No.1 and father of appellant Nos.2 and 3 died because of injuries suffered by him in an “Untoward incident” which occurred on 5th November, 2013. The claim petition was filed by the claimants on 4th March, 2014 seeking compensation of Rs.4,00,000/- (Rs. Four Lakhs). During pendency of claim petition, a notification was issued by the Central Government enhancing the compensation from Rs.4,00,000/- (Rs. Four Lakhs) to Rs.8,00,000/- (Rs. Eight Lakhs) w.e.f. 1st January, 2017. The Tribunal passed an award on 9th May, 2017 and granted compensation of Rs.8,00,000/- (Rs. Eight Lakhs). However, the Tribunal has not granted any interest on the amount of compensation. Being dissatisfied with the award passed by the Tribunal, insofar as interest on the amount of compensation is not granted, the claimants have filed this appeal.

4. By judgment given in the case of *Union of India V/s. Rina Devi* reported in **AIR 2018 SC 2632**, the Hon'ble Supreme Court has held that the claimants will be entitled for compensation at the rate prevailing on the date of accident, with interest. The Supreme Court has held that if the Tribunal has awarded compensation prevailing on the date of passing of the award and if the award is not challenged by the Railways / Union of India, the claimants would be entitled for the revised amount of applicable compensation as on the date of award by the Tribunal, however, if this revised amount

of applicable compensation is more than the amount of compensation applicable on the date of accident alongwith interest on that amount, then the claimants will not be entitled for any interest. The learned Advocate for the appellants has submitted that the amount of Rs.8,00,000/- (Rs. Eight Lakhs) awarded by the Tribunal is more than the amount which the claimants would have received as per the earlier notification i.e. Rs.4,00,000/- (Rs. Four Lakhs) alongwith interest on it. It being so, in view of the above referred judgment, the claimants are not entitled for interest on the amount of Rs.8,00,000/- (Rs. Eight Lakhs) awarded by the Tribunal.

5. The Advocate for the appellants has submitted that the impugned award is required to be modified and the directions given by the Tribunal regarding investment of Rs.7,00,000/- should be modified and the claimants be permitted to withdraw the amount. The Tribunal has directed that Rs.7,00,000/- (Rs. Seven Lakhs) be invested and the claimants be given interest which would accrue on the invested amount every quarterly. I find that the Tribunal has consciously passed the order considering the age of the claimants. Hence, I am not inclined to interfere with that part of award also. In view of the above, the appeal is **dismissed**. No costs.

JUDGE