

THE HON'BLE DR.JUSTICE SHAMEEM AKTHER

C.M.A.No.1072 OF 2012

JUDGMENT:

The Civil Miscellaneous Appeal, under Section 23 of the Railway Claims Tribunal Act, 1987 is directed against the order, dated 13.09.2011, in O.A.A.No.138 of 2006 on the file of the Railway Claims Tribunal, Secunderabad Bench at Secunderabad (for short, 'the Tribunal'), aggrieved by not granting interest at the rate of 12% per annum from the date of filing of the claim application till the date of realisation on the compensation amount of Rs.4,00,000/- for the death of the deceased Pagala Balasubramanyam.

2. Heard the learned counsel for the appellants/applicants and the learned Standing Counsel for the respondent/Railways.

3. Learned counsel for the appellants/applicants would contend that the appellants/applicants were not granted *pendente lite* interest; that there are no laches on the part of the appellants/applicants in pursuing the claim application before the Tribunal; that the Tribunal ought to have granted interest at the rate of 12% per annum from the date of claim application till the date of realisation and ultimately, prayed to allow the appeal.

4. On the other hand, learned Standing Counsel for the respondent/Railways has opposed the grant of any interest during the pendency of the claim application and brought to the notice of this Court the findings recorded by the Tribunal in para No.12 of the impugned order and ultimately, prayed to dismiss the appeal.

5. In para No.12 of the impugned order, the Tribunal held as under:

“The applicants are entitled to Rs.4 Lakhs as compensation. The case pertains to an event which took place in 2004, but the application was filed in 2006 after a delay of 30 days over and above the one year period allowed for filing claims. This was condoned. It is observed that the applicant No.1 is a retired police constable who did not provide convincing evidence though he should have known better from experience, and the entire case rested on his statement to the police about the course of events given more than a month after the event. There was no supporting evidence. The crucial pieces of evidence, the confirmation of the concession voucher and the medical record were produced only through summons by the Tribunal. I hold that the applicants have been responsible for the inordinate time taken to finalise the case, and hence interest shall be payable only from the date of this order, and not from the date of application.”

The reasons assigned by the Tribunal are supported by the record. The appellants/applicants have not diligently pursued the claim application before the Tribunal. There is an inordinate delay on their part. There is justification on the part of the Tribunal in not granting *pendente lite* interest. The appeal does not merit consideration and is liable to be dismissed.

6. Accordingly, the Civil Miscellaneous Appeal is dismissed. There shall be no order as to costs.

7. Miscellaneous petitions pending, if any, in this appeal shall stand closed.

DR.JUSTICE SHAMEEM AKTHER

Date : 30.11.2018
AMD



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