

THE HON'BLE DR.JUSTICE SHAMEEM AKTHER

CIVIL MISCELLANEOUS APPEAL No.715 of 2018

JUDGMENT:

This Civil Miscellaneous Appeal, under Section 23 of the Railway Claims Tribunal Act, 1987 (for short 'Act'), is filed by the appellants - applicants challenging the order, dated 05.03.2018, passed in OA II (U) No.38 of 2013 by the Railway Claims Tribunal, Secunderabad Bench at Secunderabad (for short 'Tribunal') to the extent of not awarding interest on the compensation amount of Rs.8,00,000/- awarded by the Tribunal for the death of deceased - Ramchander Ambaji Survase, in an untoward incident of accidental fall from a running train.

2. Heard Sri T. Vishwarupa Chary, learned counsel for the appellants/applicants, and Sri T.S. Venkata Ramana, learned standing counsel for Railways appearing for the respondent.

3. Perused the evidence on record, both oral and documentary.

4. A perusal of the award passed by the Tribunal shows that the Tribunal was pleased to grant compensation of Rs.8,00,000/- in favour of the appellants as against the claim of Rs.9,00,000/- sought for by the appellants, but refused to grant interest observing as follows:

“We do not find justification to allow interest, as presently applicant is allowed enhanced compensation. Grant of interest in such circumstances would amount to granting double benefits, which is impermissible.”

5. Under these circumstances, no interest is required to be awarded. There is nothing to take a different view as far as rate of interest is concerned. The appeal is devoid of merits and the same is liable to be dismissed.

6. Accordingly, the present Civil Miscellaneous Appeal is dismissed. However, in the circumstances of the case, there shall be no order as to costs.

As a sequel, miscellaneous applications, if any, pending in the present appeal, stand closed.

December 19, 2018
Mgr

Dr. SHAMEEM AKTHER, J

