

THE HON'BLE DR. JUSTICE SHAMEEM AKTHER
CIVIL MISCELLANEOUS APPEAL No.754 of 2011

JUDGMENT:

This Civil Miscellaneous Appeal, under Section 23 of the Railway Claims Tribunal Act, 1987 ('the Act', for brevity), is filed by the appellants/applicants, challenging the order, dated 07.04.2011, passed in O.A.A.No.102 of 2004 by the Railway Claims Tribunal, Secunderabad Bench at Secunderabad ('the Tribunal', for brevity).

2. Heard the learned counsel for the appellants/applicants, the learned Standing Counsel for the respondent-Railways and perused the record.

3. The learned counsel for the appellants/applicants would submit that the Tribunal granted interest @ 6% per annum on the amount granted as compensation from the date of the order of the Tribunal till the date of payment, which is contrary to the law laid down by the Apex Court in a number of decisions and ultimately prayed to award interest on the amount granted as compensation @ 6% per annum from the date of presentation of the claim petition before the Tribunal till the date of award; and, @ 9% per annum from the date of award till realisation. In support of his contention, the learned counsel relied on an unreported judgment, dated 12.10.2018, passed in C.M.A.No.35 of 2013 by this Court.

4. On the other hand, the learned Standing Counsel for the respondent-Railways would contend that there are laches on the part of the appellants/applicants in diligently pursuing the claim petition filed by them before the Tribunal. In view of the same, the Tribunal

is justified in not granting pendentilite interest on the amount granted as compensation. There are no circumstances to interfere with the impugned order and ultimately prayed to dismiss the appeal by confirming the order under challenge.

5. Admittedly, the claim petition was filed by the appellants/applicants before the Tribunal on 03.06.2004. The evidence of the appellants/applicants was completed by March, 2006. Thereafter, the appellants/applicants took several adjournments for arguments. Further, there was no representation on behalf of the appellants/applicants before the Tribunal for a considerable period. In July, 2010, the respondent-Railways was allowed to re-open the evidence and adduce evidence on its behalf. Under these circumstances, it appears that the appellants/applicants have not pursued the matter diligently. Had they pursued the matter diligently, their claim petition would have been disposed of in the year 2006 itself. Having recorded a finding to the said effect, the Tribunal granted future interest @ 6% per annum from the date of the order of the Tribunal till the date of payment. There is no infirmity in the order under challenge. The facts and circumstances of the unreported decision of this Court referred *supra* are distinct from the facts and circumstances of the case on hand. There is justification on the part of the Tribunal in not granting pendentilite interest on the amount granted as compensation. The appeal is devoid of merit and is liable to be dismissed.

6. In the result, the appeal is dismissed, confirming the order, dated 07.04.2011, passed in O.A.A.No.102 of 2004 by the Railway Claims Tribunal, Secunderabad Bench at Secunderabad.

There shall be no order as to costs.

Pending miscellaneous petitions, if any, shall stand closed.

Dr. SHAMEEM AKTHER, J

30th November, 2018
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