

**IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH**

**FAO No.3255 of 2017 (O&M)
Date of Decision:10.07.2018**

Gurpreet Kaur and another ...Appellants

Versus

Union of India ...Respondent

CORAM: HON'BLE MR. JUSTICE G.S. SANDHAWALIA

Present: Mr. Somesh Gupta, Advocate
for the appellants.

Mr. Karminder Singh, Advocate
for the respondent.

G.S. SANDHAWALIA, J. (ORAL)

The present appeal has been filed under Section 23 of the Railway Claims Tribunal Act, 1987 (in short, '1987 Act') against the award dated 20.04.2017 whereby sum of Rs.8,00,000/- has been awarded to the claimants by the Railway Claims Tribunal, Chandigarh Bench, Chandigarh along with 6% interest from the date of filing the application i.e. 28.03.2014 till the date of the award. A condition also has been put regarding the disbursal of the amount in instalments on account of the illiteracy. On 12.05.2017 the following order as passed.

“Appellants who are wife and major son of the deceased Kirpal Singh were awarded compensation to the tune of Rs.8 lacs by the Railway Claims Tribunal, Chandigarh Bench, Chandigarh (for short, 'the Tribunal') vide judgment dated 20.4.2017. Appellants are aggrieved by the condition imposed in the impugned judgment, wherein, only 15% of the awarded compensation was ordered along with interest to be released in cash and remaining amount was ordered to be deposited in fixed deposit and to be paid in installments, as mentioned in the said judgment. The appellants state that they are in

the need of the money in one go.

Keeping in view of the circumstances, the condition to deposit the remaining amount in fixed deposit and releasing the same in installments is hereby set aside and the entire compensation is ordered to be released in one go to the appellants.”

The counsel has pointed out that in view of the said order the said amount has already been released to the appellants. The issue only remains regarding the claim of interest @ 9% in place of 6% which was the second subject matter for the consideration.

In view of the judgment dated 09.05.2018 of the Apex Court passed in **Union of India Vs. Rina Devi in Civil Appeal No.4945 of 2018, SLP(C) No.10223/2018** the matter already stands decided against the appellants.

Accordingly, the appeal is dismissed having been rendered infructuous since the amount has already been paid to the appellants and the issue of rate of interest is also decided against the appellants as per the judgment of the Apex Court.

10.07.2018
pvd

(G.S. SANDHAWALIA)
JUDGE

Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No