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IN THE HIGH COURT OF DELHI AT NEW DELHI

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FAO 399/2014

SHARDA DEVI & ANR

..... Appellants

Through: Mr. Shyam Singh Sisodia, Advocate.

versus

UNION OF INDIA

..... Respondent

Through: Ms. Priyata Chakroborty, Advocate.

CORAM:

HON'BLE MS. JUSTICE ANU MALHOTRA

ORDER

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20.12.2018

CM.APPL. No.51105/2018 in FAO 399/2014

The petition has already been disposed of on 09.08.2018 and is taken up on CM.APPL.No.51105/2018, an application filed on behalf of the respondent seeking modification and clarification of order dated 09.08.2018. During the course of submissions made on 10.12.2018, the respondent made a submission to the effect that the prayer made through the said application was confined to seeking waiver of interest at the rate of 6% per annum w.e.f. the date of demise of the deceased till the date of order dated 09.08.2018.

Learned counsel for the appellant in view of the verdict of the Hon'ble Supreme Court in "Union of India Vs. Rina Devi" reported in 2018 SCC 507 has no opposition to the said submission made on behalf of the respondent on 10.12.2018. Thus, to this limited extent, the order dated 09.08.2018 in FAO 399/2014 is modified to the effect that the appeal is allowed with the impugned judgment of the

Railways Claim Tribunal Principal Bench, Delhi in Claim Application No.OA(IIU) 297 of 2012 dated 24.09.2014 being set aside with compensation to the tune of Rs. 8 lakhs granted to the appellants i.e. the parents of the deceased with interest at the rate of 6% per annum being awarded from the date 09.08.2018 till realization.

The interest awarded at the rate of 6% per annum w.e.f. the date **of demise of the deceased i.e. the date 11.01.2012 till 9.8.2018 is however waived. The amount is to be deposited in the form of an FDR with the Registrar General of this Court for a period of a year which on deposit is directed to be converted into an auto renewal mode and 50% of the amount deposited is allowed to be released to the parents of the deceased by the Registrar General of this Court.**

The application is disposed of.

ANU MALHOTRA, J
DECEMBER 20, 2018/NC