

IN THE HIGH COURT OF JUDICATURE AT PATNA
Miscellaneous Appeal No.45 of 2019

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1. Manjoo Devi @ Manju Devi @ Gita Manjoo Devi, aged about 42 years, Female, W/o Late Lakshman yadav
 2. Pankaj Kumar, aged about 28 years, Male, S/o Late Lakshman Yadav
 3. Priyanka Devi, aged about 26 years, Female, D/o late Lakshman Yadav
 4. Bharti Kumari, aged about 24 years, Female, D/o Late Lakshman Yadav
 5. Arti Kumari, aged about 22 years, Female, D/o Late Lakshman Yadav
 6. Priti Kumari, aged about 20 years, Female, D/o late Lakshman Yadav All are Resident of Village - Mahapatiya, P.S.- Simultala, District, Jamui, Bihar

... .. Appellant/s/ Applicants

Versus

THE UNION OF INDIA G.M.E.C Railway, Hajipur

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Anant Kumar 1
For the Respondent/s : Mr. Anil Kumar Sinha

CORAM: HONOURABLE MR. JUSTICE S. KUMAR
ORAL JUDGMENT

Date : 18-06-2019

Heard.

This miscellaneous appeal has been filed for partly setting aside the judgment and order dated 02.11.2018 passed in Review Application No.89/2018 allowing the review filed by respondents -Railways against the judgment and order dated 22.2.2016 passed in O.A. No.00108/2010 passed by member (Judicial Railway Claims Tribunal, Patna Bench).

Briefly stated the facts of the case is that appellants had filed a claim case for grant of compensation of rupees 4 lacs on account of death of Laxman Yadav who died in an untoward accident on 25.12.2009 while he was travelling from Howarah



Junction to Jhajha Station on train No.213 UP. The claim case of appellant was contested by Railways. However, after hearing both the parties and considering the evidences and materials available on record by judgment and order dated 22.2.2016, the Railway Claims Tribunal, Patna allowed the claim application of appellant and directed to pay a sum of rupees 4 lacs along with simple interest @ 10% per annum till the date of payment within 60 days from submission of bank account otherwise the entire amount of compensation will attract 2% more interest per annum.

After obtaining the copy of the order along with bank details, appellants submitted all relevant bank papers on 4.10.2016 to the concerned authorities, however, when nothing was paid, appellants filed execution case No.24 / 2017 on 6.12.2016 and during pendency of execution case, respondents-Railways filed a review petition giving rise to review case No.89/18 which was filed after 2 years in which appellants appeared and review case was heard on 02.11.2018 and allowed the review petition and reviewed the order dated 22.2.2016 passed in O.A. No.00108/2010.

After hearing the parties and considering the materials available on record, the present miscellaneous appeal is



disposed of with a direction to the respondents- Railways to pay the compensation amount to the claimants/appellants with simple interest @ 9% per annum from the date of application till its payment.

(S. Kumar, J)

Sanjay/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	29.06.2019
Transmission Date	NA

