

IN THE HIGH COURT OF JUDICATURE AT PATNA
Miscellaneous Appeal No.348 of 2014

Hiramati Devi, W/o of Late Briksh Ram, Resident of Village-Bishrampur,
P.S.-Mehsi, District-East Champaran.

... Applicant ... Appellant/s

Versus

The Union Of India Through The General Manager, North East Railway
Gorakhpur (U.P.)

... Respondent ... Respondent/s

Appearance :

For the Appellant/s : Mr. Krishna Mohan Murari, Advocate
For the Respondent/s : Mr. Anil Singh, Advocate

CORAM: HONOURABLE MR. JUSTICE S. KUMAR
ORAL JUDGMENT

Date : 24-09-2019

I.A. No.837 of 2015:

Heard.

This interlocutory application has been filed for
condoning the delay of 2 months and 1 day in preferring the
present appeal.

For the reasons mentioned in this interlocutory
application, this Court is satisfied that the appellant was
prevented from sufficient reasons from preferring this
miscellaneous appeal within time.

As a result, this interlocutory application is allowed
and the delay in filing this miscellaneous appeal is hereby
condoned.



M.A. No.348 of 2014:

Heard parties.

This miscellaneous appeal has been filed under Section 23 of the Railway Claims Tribunal Act, 1987 against the part of the order dated 14.01.2014 passed by Member (Technical) of Railway Claims Tribunal, Patna Bench in claim application No.MA(OA)0033/2001 by which although the compensation has been granted to the appellant but interest has been paid from the date of condonation of delay till its payment and not from the date of filing of application.

It has been submitted on behalf of the appellant that claim application was filed on 10.02.2000 with an application for condonation of delay as the claim application was barred by limitation. However, the application for condonation of delay was considered for the first time on 19.09.2012 and delay in filing claim application was condoned and the case of the claimant that deceased died in an untoward accident was found to be true and Tribunal awarded a sum of rupees four lacs to be apportioned among the dependents of the deceased in which rupees two lacs was granted to the widow Hiramati Devi and rupees fifty thousand each was awarded to four sons of the deceased, however, the interest was awarded from 19.09.2012



till its realization.

It has been submitted that the interest ought to have been awarded from the date of application and not from the date of condonation of delay application.

After hearing the counsel for the claimant/appellant as well as respondent-Railway, this Court is of the view that the interest on the claim amount has to be awarded from the date of application and not from the date of order condoning the delay once the claim of applicant/appellant has been allowed by the Claims Tribunal. Accordingly, the order dated 14.01.2014 is modified to the extent that the compensation of rupees four lacs awarded and apportioned among the legal heirs of the deceased, interest amount on said compensation amount is to be paid from the date of application till its payment.

Miscellaneous appeal is allowed.

Let the photocopy of LCR be returned forthwith to the court concerned.

(S. Kumar, J)

Sanjay/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	25.09.2019
Transmission Date	NA

