

IN THE HIGH COURT OF JUDICATURE AT PATNA
Miscellaneous Appeal No.636 of 2016

1. Shri Avinash Kumar
2. Sri Anirudh Kumar
3. Ajay Kumar

All are son of late Sri Om Prakash Mistri, resident of village- Pothahi, P.O.
Basuhar, P.S. Punpun, District- Patna

... .. Appellants

Versus

The Union of India, through The General Manager, East Central Railway,
Hazipur.

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Krishna Mohan Murari, Adv.
For the Respondent/s : Mr. Ramadhar Shekhar, Addl. S.C (Railway)

CORAM: HONOURABLE MR. JUSTICE S. KUMAR
ORAL JUDGMENT

Date : 15-07-2019

Heard both the parties.

2. Claimant/appellant is aggrieved by the part of
order dated 30.03.2016 passed in Claim Application No.
OA0073 of 2005 passed by learned Member (Judicial) Railway
Claims Tribunal, Patna Bench at Patna by which although
compensation amount of Rs. 4,00,000/- (Four lacs) has been
granted to the claimant/appellant but interest has been refused.

3. Claimant/appellant had filed an application



under Section 125 of the Railways Act, 1989, claiming compensation amount of Rs. 4,00000/- (Four lacs) on account of death of their father on 07.01.2015 in an untoward incident. Deceased while travelling with a valid 2nd class Railway Pass from Patna Junction to Pathahi Railway Station boarded the train No. 603 UP at Patna Junction. However, he accidentally fell down from running train near Pathahi Railway Station on the night of 07.01.2005 and died on the spot. The claim was contested by the respondent/railways.

4. After hearing the parties and considering the evidences and materials placed on record, the Tribunal found that the applicant/petitioner was a bona fide passenger and died in an untoward incident and awarded a compensation amount of Rs. 4,00000/- (Four lacs). However, no interest was granted by the tribunal. It is now a well settled proposition of law that interest is payable on the amount of compensation granted under the Railway Act to the claimant from the date of presentation of claim petition till its realization.

5. Accordingly, the Railways are directed to pay 6% interest to the claimants on the compensation amount from the date of claim application till the date of payment of compensation amount within 30 days from the date of



receipt/production of copy of order passed by this Court.

6. This miscellaneous appeal is allowed.

(S. Kumar, J)

Rajiv/-

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

