

IN THE HIGH COURT OF JUDICATURE AT PATNA
Miscellaneous Appeal No.458 of 2016

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Smt. Sunita Devi, W/o Late Babu Ram Choudhary, resident of village- Naya Tola, Madhopur, P.O. & P.S. Bakhtiyarpur, District- Patna (Bihar)

... .. Appellant

Versus

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

... .. Respondent/s

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Appearance :

For the Appellant : Mr.Krishna Mohan Murari, Adv
For the Respondent/s : Mr. Mithilesh Kumar Rai, Adv.

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CORAM: HONOURABLE MR. JUSTICE S. KUMAR
ORAL JUDGMENT

Date : 15-07-2019

Heard both the parties

2. Claimant/appellant has filed this appeal against part of order dated 17.03.2016 passed in Claim Application No. OA0050 of 2007 (Comp. No. 325 of 2007) passed by learned Member (Judicial) Railways Claims Tribunal, Patna Bench, Patna by which he has refused to grant interest on the compensation amount.

3. Applicant/claimant Sunita Devi had filed a claim application under Section 125 of the Railways Act, 1989 claiming compensation of Rs. 4,00000/- (Four lacs) on account of death of her unmarried son Master Suraj Choudhary @ Chhotu, who died in an untoward incident while on train journey on 03.12.2006 after purchasing a valid



2nd class train ticket from Bakhtiarpur Railway station for going to Khusurupur Railway Station and had boarded the E.M.U. passenger Train No. 503 UP (Jhajha-Patna Passenger) at Bakhtiarpur Railway Station and due to heavy rush and intense jostling of passengers, he lost his balance and accidentally fell down from the running train between Bakhtiarpur and Tekabigha Railway in which he sustained grievous injuries and died on the spot. The claim case was contested by the respondent/railways.

4. Considering the evidences and materials placed on record, the Tribunal allowed the claim case of claimant and directed Railways to pay compensation amount of Rs. 4,00000/- (Four lacs). However, there was no order for payment of interest. 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 claimant 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

