

IN THE HIGH COURT OF JUDICATURE AT PATNA
Miscellaneous Appeal No.212 of 2016

Union Of India, through the General Manager, North Eastern Railway,
Gorakhpur

... .. Appellant/s

Versus

Shri Prasad Mahto, son of Late Rajdeo Mahto, aged about 33 years, resident
of village - Bairiya, Police Station -Ramgarhwa, District - East Champaran,
Bihar.

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. D. K. Sinha, Sr. Advocate Mr. Anil Singh, Advocate
For the Respondent/s	:	Mr. Anant Kumar 1, Advocate

CORAM: HONOURABLE MR. JUSTICE S. KUMAR

ORAL JUDGMENT

Date : 03-07-2019

Heard.

2. This miscellaneous appeal has been filed by the Railways against the order dated 16.02.2016 passed by Member Judicial, Railway Claims Tribunal Patna Bench, Patna in Execution Case No.(20) (A) of 2015 arising out of O.A. No.95 of 2002 by which the Tribunal has directed to deduct the amount of Rs.89,226/- and credit the same in the account of claimant/respondent.

3. Claimant had filed a claim case on 9.4.2002 for grant of compensation of Rs.4,00,000/- on account of death of Rajdeo Mahto, father of the claimant in an untoward accident.

4. After hearing the parties and considering the materials available on record, the claim of the applicant was



allowed by order dated 03.04.2012 and there was a direction to pay the claim amount among three legal heirs of Rajdeo Mahto with interest. Execution case was filed by all the claimants on 09.09.2013 which was dropped on acceptance by the claimants that Award has been satisfied, however, one of the claimants. Shri Prasad Mahto filed a fresh Execution Case No. (20)(A), 2015 on 8.7.2015 as he had not received the claim amount of Rs.1,77,499/- and amount of Rs.1,77,499 was paid through R.T.G.S. to the claimant on 14.8.2015 which included the principal amount of Rs.1,20,000/- and 6% interest added over the amount in accordance with the Award. However, by order as impugned dated 16.02.2016, the Tribunal while dealing with execution case, ordered for further payment of Rs.89,226/- with interest and directed to pay the amount during the pendency of the execution case and aggrieved by the said order, the present appeal has been filed on behalf of the appellant- Railways.

5. After hearing the parties and considering the materials available on record, this Court finds that the order as impugned is without jurisdiction and beyond competence of the executing court. Executing court cannot go beyond or behind the Award and it has to execute the Award as it stands. It can neither add anything to the Award or subtract any part of the



Award. However, in the present case, further order for payment of said amount with enhanced rate of interest has been made, as such, the Tribunal while executing the Award had overstepped its jurisdiction, accordingly, the order dated 16.02.2016 passed by Member Judicial, Railway Claims Tribunal Patna Bench, Patna in Execution Case No.(20) (A) of 2015 arising out of O.A. No.95 of 2002 is set aside. The Award stands satisfied.

6. This miscellaneous appeal stands allowed.

7. Let the L.C.R. be returned forthwith to the court concerned.

(S. Kumar, J)

Sanjay/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	09.07.2019
Transmission Date	NA

