

IN THE HIGH COURT OF JUDICATURE AT PATNA
Miscellaneous Appeal No.211 of 2015

1. Smt. Dhansira Devi W/o Late Mangal Sonkar
2. Gunja D/o Late Mangal Sonkar
3. Ajit S/o Late Mangal Sonkar
4. Jira m/o Late Mangal Sonkar All are resident of village - Katghar Lalgang ,
P.O. Lalgang, P.S. Deogaon, Distt. - Azamgarh U.P.

... .. Appellant/s

Versus

The Union Of India Through The General Manager Eastern Railway Kolkata

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Krishna Mohan Murari, Adv

For the Respondent/s : Mr. Anil Singh, Adv

CORAM: HONOURABLE MR. JUSTICE S. KUMAR
ORAL JUDGMENT

Date : 02-09-2019

I.A. No. 5796 of 2015

Heard parties.

This interlocutory application has been filed for
condoning the delay of about 161 days in preferring the
present appeal.



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

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

M.A. No. 211 of 2015

This appeal under Section 23 of the Railway Claims Tribunal Act, 1987, has been filed by claimant-appellant against the part of the order dated 15.10.2014 passed by Railway Claims Tribunal, Patna Bench, Patna, by which interest on the compensation amount has been granted from 25.09.2012 i.e. from the date of registration of the claim case and not from the date of filing of the claim case.

It has been submitted by learned counsel for the appellant that the claimant had filed the claim case for grant of compensation on account of death of husband of claimant on 04/05.06.2001. The claim application was filed on 19.07.2002 after the prescribed period of limitation, as such the claim of the application was accompanied by application for condonation of delay and same was taken up by the



Tribunal in the Year-2012 and delay in filing the claim petition was condoned and thereafter claim case of applicant was allowed and Railway was directed to pay sum of Rs. 4,00,000/- with interest @ 6 per cent per annum from the date of registration of the application i.e. 25.09.2012, the appellant is aggrieved by that part of the order by which interest has been granted from the date of registration of application i.e. 25.09.2012 and not from the date of filing of the claim application i.e. 19.07.2002.

After hearing learned counsel for the appellant and learned counsel for the Railways, this Court finds that once claim case of claimant is allowed and there is direction for payment of compensation amount then interest has to be paid from the date of filing of claim application and not from the date of registration of the application.

Accordingly, the present appeal is allowed and Railway is directed to calculate the amount of interest on compensation amount for the period from the date of filing of claim application i.e. 19.07.2002 till 24.09.2012, and same to be paid within three months from the date of production/receipt of a copy of the order of this Court.

With the aforesaid observation and direction, this



miscellaneous appeal is allowed.

LCR of this case be returned to the court concerned
forthwith.

(S. Kumar, J)

ranjan/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	02.09.2019
Transmission Date	NA

