

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR.

Civil Application No.3849 of 2019
in
First Appeal No. 1360 of 2017 (Decided)
(Gandas Hiramal (Castge) Barela and ors. .vs. Union of India through the
General Manager, Central Railway, CST Mumbai.)

Office Notes, Office Memoranda of Coram,
appearances, Court's orders or directions
and Registrar's orders

Court's or Judge's orders.

Ms. Shweta Salwankar, Advocate for Applicants/Appellants.
Mr. Z.S. Shekhani, Advocate for Respondent.

CORAM : Manish Pitale, J.
DATED : October 18, 2019.

This is an application moved on behalf of the appellants (original claimants) seeking grant of further amount of compensation as per Notification dated 22.12.2016 issued by the respondent, whereby the quantum of compensation payable to the claimants in respect of untoward incident, was increased from Rs.4,00,000/- to Rs.8,00,000/-.

2. The appeal in the present case was allowed by this Court by judgment and order dated 16.03.2018 and it was held that the appellants were entitled to compensation at the rate of Rs.4,00,000/- along with interest. In the judgment and order disposing of the appeal, it was specifically observed by this Court that liberty was reserved for the appellants to approach this Court seeking further enhancement after the Hon'ble Supreme Court clarified the position about applicability of the aforesaid Notification in cases where the incident

had taken place before issuance of the said Notification.

3. It is undisputed that by judgment and order passed by the Hon'ble Supreme Court in the case of **Union of India .vs. Rina Devi**, reported in **AIR 2018 Supreme Court 2362**, the Hon'ble Supreme Court in paragraph no.15.4 has specifically clarified that claimants would be entitled to grant of Rs.8,00,000/- towards compensation even if the incident in question had taken place before the Notification dated 22.12.2016.

4. In view of the above, the present application is allowed and it is held that the appellants are entitled to enhanced compensation of Rs.8,00,000/-.

5. It is pointed out by the learned counsel for the respondent that the amount of Rs.5,04,274/- was already disbursed to the appellants in pursuance of the judgment and order dated 16.03.2018 passed by this Court. Accordingly, now the respondent shall pay the amount of Rs.2,95,726/- to the appellants, within a period of three months from today. Application is disposed of.

JUDGE