

3 IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR.

WRIT PETITION NO.7873 OF 2018

Raghunath Urkuda Gharde, Chikli, Tahsil Ner, District Amravati

-vs-

Union of India, Thr. General Manager, Central Railway, Mumbai CST-01

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

Court's or Judge's Orders.

Shri A. B. Bambal, Advocate for petitioner.

Shri N. P. Lambat, Advocate for respondent.

CORAM : A.S.CHANDURKAR, J.

DATE : June 14, 2019

Heard finally with consent of learned counsel for the parties.

The petitioner is the applicant who had filed claim for grant of compensation before the Railway Claims Tribunal as regards death of his wife in an untoward incident. The proceedings came to be dismissed for want of prosecution on 26/08/2016. An application for restoration of the proceedings along with an application for condonation of delay was moved on 23/12/2016. The Claims Tribunal on 17/04/2017 restored the claim petition but imposed a condition that the claimant would be entitled only for the amount of compensation of Rs.4,00,000/- and not the amount of compensation as per the amended provisions. It was further observed that the claimant would not be entitled for

interest on the amount of compensation. Being aggrieved, that order is challenged in the present writ petition.

2. Shri N. P. Lambat, learned counsel for the respondent submits that after the aforesaid order was passed, the Claims Tribunal has decided the proceedings on merits on 06/02/2018. Compensation of Rs.4,00,000/- stands awarded to the claimant in terms of order dated 17/04/2017. In view of the fact that the claim petition has been finally decided, the writ petition is disposed of with liberty to the petitioner to raise a challenge to the judgment dated 06/02/2018 as well as the order dated 17/04/2017 if the claimant seeks compensation as per the amended provisions.

The points raised in the writ petition are kept open. With aforesaid liberty, the writ petition is disposed of. No costs.

JUDGE