

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

Civil Application [CAO] No.690 of 2020
in
Civil Application [MCA] St. No.20390 of 2019
in
First Appeal No.754 of 2015 (D)

Union of India, through its General Manager, South Eastern Railway, Kolkata
vs.

Shri Dashrath s/o Urkudaji Patale & another

=====

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

=====

Court's or Judge's Orders

*Shri Nitin Lambat, Advocate for the Applicant/Appellant.
 Shri S.K. Sable, Advocate for the Respondents.*

CORAM : S.M. MODAK, J.
DATE : 7th DECEMBER, 2020.

Heard learned Advocate Shri Lambat for the applicant/original respondent and learned Advocate Shri Sable for the respondents/original appellants.

The Union of India has not appeared in First Appeal No.754/2015 for the reasons best known to them. This Court allowed First Appeal No.754/2015 vide it's order dated 22/11/2018. When the original claimants demanded the decretal amount from the Union of India, then the Union of India came to know about the order passed against them. It took some time to complete the office procedure. The reasons mentioned by the applicant are convincing.

Hence, the delay caused in preferring the review application is condoned. The review application be registered.

The application is allowed and disposed of accordingly.

Civil Application [MCA] St. No.20390/2019 :

This Court directed the Union of India through Railway Administration to pay compensation of Rs.2.00 lakhs each to the original claimants along with interest thereon at the rate of 6% per annum from the date of application till its realization. The appeal was filed because the Railway Claims Tribunal has not granted interest from the date of application, but has granted interest from the date of order itself. The present application is not challenging the said judgment, but the applicant only wants to bring on record about payment of compensation of Rs.4,02,592/- in the bank account of the original claimants on 18/02/2014 and to that extent the applicant is seeking review.

It is pointed out that the fact of this payment was not brought to the notice of this Court by the original claimants. It is true that it is not reflected in the order dated 22/11/2018. It is also a fact that the Union of India has not appeared in that appeal. Once the original claimants have received the amount on 18/02/2014, certainly the order of this Court needs to be reviewed. Because, the original claimants cannot take double benefits. Hence, it needs to be clarified that the original claimants are entitled to get interest from the date of original application till 18/02/2014 i.e. the date on which they have received the amount. Hence, the order dated 22/11/2018 passed in First Appeal No.754/2014 is modified as follows :

- i. The appellants therein are entitled to get interest at the rate of 6% per annum on Rs.2.00 lakhs compensation each from the

date of application i.e. 09/02/2001 till 18/02/2014.

- ii. The Union of India is entitled to get adjustment of the interest comprised in that amount.
- iii. The Union of India is directed to give a statement to the original claimants about how it arrived at the figure of Rs.2,592/-, within a period of two months from today.
- iv. The original claimants are at liberty to take appropriate steps, if the amount of interest of Rs.2,592/- is not correct.
- v. The application is allowed and disposed of accordingly.

JUDGE

**sandesh*