

**THE HONOURABLE SRI JUSTICE T.AMARNATH GOUD**

**C.M.A.No.814 OF 2012**

**JUDGMENT:**

This appeal is preferred by the applicants against the order dated 11.07.2011 passed in OAA No.304 of 2005 by the Railway Claims Tribunal, Secunderabad Bench for grant of interest from the date of claim petition.

2. Appellants, who are husband and three children of the deceased Akhtari Begum, submitted application to the Railway Claims Tribunal claiming compensation of Rs.4,00,000/- with interest that when the deceased along with her husband and children were traveling to Bodhan from Secunderabad with a valid ticket No.36767409 on 02.08.2005 in Train No.573 Passenger, the deceased fell out of the train at Shakkarnagar due to sudden jerks, immediately she was shifted to Government Hospital, Bodhan, succumbed to injuries at night.

3. Railways resisted the claim application of the claimants.

4. Basing on the contentions, the tribunal after examining A.Ws.1 and marking Exs.A.1 to A.7 on behalf of the claimants and examining R.W.1 and marking Exs.R.1 and R.2 on behalf of the railways, granted compensation that the deceased fell down from the train and it is an untoward incident.

5. Learned counsel for the claimants contended that the tribunal granted compensation, but failed to grant interest from the date of petition and hence, prayed to grant interest.

6. Learned standing counsel for the Railways submitted that the order passed by the tribunal is well considered and needs no interference of this Court.

7. A perusal of the material available on record and having regard to the facts and circumstances of the case, the tribunal has rightly granted compensation, however, not granted interest. Therefore, the railways shall pay interest @ 7.5% per annum as per Item 30 of Part III of Schedule from the date of petition till the date of this judgment and that The respondent/Railways shall pay the compensation awarded within three (3) months from the date of this judgment, failing which, interest at the rate of 9% per annum shall be paid on the compensation amount. Accordingly, the appeal is liable to be allowed.

8. In view of the above, the appeal is allowed. As per Item 30 of Part III of Schedule railways shall pay interest @ 7.5% per annum from the date of petition till the date of this judgment. The respondent/Railways shall pay the compensation awarded within three (3) months from the date of this judgment, failing which, interest at the rate of 9% per annum shall be paid on the compensation amount. There shall be no order as to costs.

Miscellaneous Petitions, if any, shall stand closed.

**T.AMARNATH GOUD,J**

Dated 03-01-2020  
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