

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

LPA-1843-2018 (O&M)
Date of Decision:11.02.2020

Bhagwata Damase and others

...Appellants

Versus

Union of India and others

...Respondent(s)

**CORAM:- HON'BLE MR. JUSTICE JASWANT SINGH
HON'BLE MR. JUSTICE SANT PARKASH**

Present: Mr. Pardeep Singh Poonia, Advocate for the appellants.

Mr. Vikas Chatrath, Advocate for the respondents.

JASWANT SINGH, J. (ORAL)

Appellants are the widow and two minor children of one Damodar Marasani who died in a railway accident at an unmanned railway crossing on 02.01.2016 near Kurukshetra, having been run over by the high speed Shatabdi Express.

Instant *intra-court* appeal under clause X of the Letters Patent is directed against the judgment dated 07.09.2018 passed by the learned Single Judge, whereby the writ petition bearing CWP No.12087 of 2016, filed by the appellants, seeking grant of compensation on account of the aforesaid railway accident, was allowed and a sum of Rs.4,00,000/- (rupees four lacs) was awarded, however, without any grant of interest.

The claim is, thus, for award of interest at a reasonable rate from the date of the accident till the date of realisation of the compensation.

Upon notice, Mr. Vikas Chatrath, Advocate, has put in

appearance on behalf of the Railway Authorities.

At the time of hearing, the learned counsel for the parties conceded that dispute pertaining to the issue of grant of interest including rate on the awarded compensation has been settled by the Hon'ble Supreme Court in the authoritative judgment in case of “**Union of India Vs Rina Devi**”, 2019 (3) SCC 572 . The relevant para 18 reads as under:-

“As already observed, though this Court in Thazhathe Purayil Sarabi (supra) held that rate of interest has to be at the rate of 6% from the date of application till the date of the award and 9% thereafter and 9% rate of interest was awarded from the date of application in Mohamadi (supra), rate of interest has to be reasonable rate at par with accident claim cases. We are of the view that in absence of any specific statutory provision, interest can be awarded from the date of accident itself when the liability of the Railways arises upto the date of payment, without any difference in the stages. Legal position in this regard is at par with the cases of accident claims under the Motor Vehicles Act, 1988. Conflicting views stand resolved in this manner.”

It is, thus, evident that the claim in the present case is squarely covered with the aforesaid observations of the Hon'ble Supreme Court qua award of interest on account of railway accident.

Keeping in view the facts of the present case, we deem it appropriate to grant interest @ 7% per annum on the awarded amount of Rs.4,00,000/- (rupees four lacs) calculated with effect from the date of the accident till the date of realisation of the aforesaid compensation. It is also directed that amount of Rs.2,00,000/- (rupees two lacs) of the awarded amount of compensation shall be paid to the widow, whereas remaining Rs.2,00,000/- (rupees two lacs) in equal share would be deposited in the

fixed deposit in the name of two minor children. The amount of awarded interest shall be paid to the widow. It is further directed that necessary exercise shall be completed within three months of the receipt of the certified copy of the order. The appellants are directed to cooperate with the authorities by furnishing bank account details, wherein the required amounts have to be deposited by the respondents.

In view of the above, the present *intra-court* appeal stands disposed of, in terms as indicated above.

(JASWANT SINGH)
JUDGE

(SANT PARKASH)
JUDGE

11.02.2020
mks

Whether speaking/reasoned:	Yes / No
Whether Reportable:	Yes / No