

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

CIVIL APPLICATION (CAF) NO. 1569 OF 2020
IN
FIRST APPEAL NO. 1360 OF 2017 (D)

Gandas s/o Hiramal (caste) Barela and ors.

..VS..

Union of India, thr. The General Manager.

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

Court's or Judge's orders

Shri S.V. Salwankar, Advocate for applicant.
Shri R.G. Agrawal, Advocate for respondent.

CORAM : SMT. ANUJA PRABHUDESSAI, J.
DATED : 13/01/2021

Heard.

2. The applicants who are the original claimants have filed this application for disbursal of amount in equal share.

3. It is seen that the application under Section 123-C read with Section 124-A of the Railway Act, 1989 was filed in view of death of one Virendra Barela, the son of the applicant nos. 1 and 2, husband of applicant no. 3 and father of the applicant no. 4. The Railway Tribunal dismissed the said application. This Court in First Appeal No. 1360 of 2017 had initially awarded compensation of Rs.4,00,000/- with 7.5% per annum interest vide judgment dated 16.03.2018. Out of this amount, an amount of Rs.50,000/- each was ordered to be paid to applicant nos.1 and 2, Rs. 1,00,000/- to applicant no. 3 and Rs.3,00,000/- to applicant no. 4 who is a minor.

4. By judgment dated 18.10.2019, this Court has held that the applicants are entitled for further amount of

Rs.4,00,000/-. This amount which has been deposited by the respondent is ordered to be disbursed in the same proportion as under :

- (a) Rs.50,000/- each to be paid to the applicant nos. 1 and 2 respectively.
- (b) Rs.1,00,000/- to be paid to applicant no. 3.
- (c) Rs.3,00,000/- payable to applicant no. 4, who is a minor, shall be deposited in his name through his guardian, initially for a period of 6 years with further renewal till such time he attains majority. The amount payable to the applicant no. 4, shall not be allowed to be withdrawn or transferred without prior permission of this Court.
- (d) The amount payable to the applicant nos. 1, 2 and 3, be paid after verifying their identity.

JUDGE

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