

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

Civil Application (CAF) No.314/2020
IN
First Appeal No.352/2015 (Decided)

Chilo Devi wd/o Nandu Parahiya & Ors. Vs. Union of India, through the General Manager,
Central Railway, Mumbai CST

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

Court's or Judge's Orders

Shri Vivek Awchat, Advocate for the Appellants.
Shri N.P. Lambat, Advocate for the Respondent.

CORAM : S.M. MODAK, J.

DATE : 19th JUNE, 2021.

Hearing was conducted through Video Conferencing and the learned Counsel agreed that the audio and visual quality was proper.

Heard both the sides.

Read the direction No.(v) of the judgment dated 17th April, 2018 passed in First Appeal No.352/2018. The appellants were held entitled to additional compensation of Rs.4,00,000/- depending upon the outcome of the decision in Special Leave Petition (C) No.006486/2018. The Hon'ble Supreme Court has decided the Special Leave Petition (C) No.6486/2018. The claimants were held entitled to get an amount of Rs.8,00,000/-.

There is no dispute about the entitlement of the claimants for total compensation of Rs.8,00,000/-. Learned Advocate Shri Lambat seeks three months' time to deposit that amount. Earlier, the respondent has deposited an amount of Rs.5,45,973, and now, Rs.2,54,027/- is outstanding. There is a request for disbursal of the amount to appellant No.1-Chilo Devi and appellant No.5-Amrik

Parahiya. There is also request to issue new direction rather than continuing the directions given in the judgment dated 17th April, 2018. Hence, the direction:

- a) The respondent is directed to deposit an amount of Rs.2,54,027/- within a period of three months from today in this Court.
- b) Issue about payment of interest, if any, on this excess amount is kept open.
- c) After deposit of the said amount, 25% be given to appellant No.1-Chilo Devi and appellant No.5-Amrik Parahiya each by transferring in their individual bank account.
- d) The remaining 50% be kept in fixed deposit of the appellant No.2-Chhabindra Kumar Parahiya and appellant No.3-Rambha Parahiya equally, and quarterly interest be paid to appellant No.1.
- e) The appellant Nos.2 and 3 are at liberty to file application for withdrawal of the amount of their share through their natural guardian.
- f) The civil application is disposed of.

Civil Application (CAF) No.157/2019

The issue of payment of court fee is already decided by the Full Bench of this Court.

In view of that, Registrar (Judicial) is directed to decide

the prayer made in the application about the refund of the court fee and to pass the necessary orders.

JUDGE

vijay