

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

CIVIL APPLICATION (CAF) NO. 1698 OF 2022
IN
FIRST APPEAL NO. 382 OF 2018 (D)

Smt. Sheela Wd/o. Lakhanlal Jagane

...**VERSUS**...

Union of India thr. the General Manager, South-East Central Railway, Bilaspur (C.G.)

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

Court's or Judge's order

Shri R.G.Bagul, Advocate for appellant.

Smt. Neerja Choubey, Advocate for respondent.

CORAM : SMT. M. S. JAWALKAR,J.

DATE : 03rd August, 2022.

The present application is filed for speaking to minutes by the learned counsel for the applicant/appellant.

2. It is pointed out from the judgment passed by the Hon'ble Apex Court in the case of ***Union of India V/s. Rina Devi, reported in AIR 2018 SC 2362 in para 15.4***, which reads as under:-

“15.4. Accordingly, we conclude that compensation will be payable as applicable on the date of the accident with interest as may be considered reasonable from time to time on the same pattern as in accident claim cases. If the amount so calculated is less than the amount prescribed as on the date of the award of the Tribunal, the claimant will be entitled to higher of the two amounts. This order will not affect the awards which have already become final and where limitation for challenging such awards has expired, this order will not by itself be a ground for condonation of delay. Seeming conflict in Rathi Menon (AIR 2001 SC 1333) (supra) and Kalandi Charan Sahoo (supra) stands explained accordingly. The 4-Judge Bench judgment in Pratap Narain Singh Deo (AIR 1976 SC 222) (supra) holds the field on the subject and squarely applies to the present situation. Compensation as applicable on the date

of the accident has to be given with reasonable interest and to give effect to the mandate of beneficial legislation, if compensation as provided on the date of award of the Tribunal is higher than unrevised amount with interest, the higher of the two amounts has to be given.”

3. It is contended that the amount of compensation is awarded along with interest which comes to Rs. 6,50,000/- whereas as per the amended provisions for grant of compensation, it ought to be Rs. 8,00,000/-. In view of the aforesaid judgment, the applicant is entitled for maximum compensation.

4. In view thereof, the judgment and order dated 13/07/2022 passed by this Court is modified to the extent of amount of compensation.

5. As such, Clause – (iii) is modified as under:-

“(iii) The respondent Union of India is directed to pay to the appellant the sum of Rs. 8,00,000/- from the date of filing of application before the Railway Claims Tribunal, Nagpur.”

6. Accordingly, the application is disposed of.

(Smt. M.S. Jawalkar, J.)