



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

FIRST APPEAL NO. 1064 OF 2012

The Union of India, General Manager, South Central Railway, Secunderabad
VS.

Pushpa @ Alka Wd/o. Digambar Shengole and others

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions Court's or Judge's orders.
and Registrar's Orders.

Ms Ashwini S. Athalye, Advocate the appellant
Ms K. S. Anasane, Advocate for respondents.

CORAM : G.A. SANAP, J.

DATE : SEPTEMBER 21, 2023.

Heard.

2. Learned Advocate for the appellant seeks permission to withdraw the appeal.

3. Learned Advocate for the respondents submits that in view of the notification issued by Ministry of Railways (Railway Board) dated 22.12.2106 in case of death claim the appellant shall be liable to pay compensation of Rs.8,00,000/- (Rs. Eight Lacs Only). Learned Advocate for the appellant submits that respondents are entitled to get compensation of Rs.8,00,000/- but without interest

4. It is pointed out that in terms of the order of this Court the appellant has deposited Rs.5,14,733/- (Rs. Five Lacs Fourteen Thousand Seven Hundred Thirty Three Only) in the Reference Court i.e. Railway Claims Tribunal,

Nagpur.

5. In view of the decision of the Hon'ble Apex Court in the case of *Union of India .v/s. Radha Yadav*, reported in, *(2019) 3 SCC 410* the respondents may not be entitled to get the interest.

6. Since the appellant has deposited Rs.5,14,733/- (Rs. Five Lacs Fourteen Thousand Seven Hundred Thirty Three Only), the appellant would be required to deposit the balance amount of Rs.2,85,267/- (Rs. Two Lacs Eighty Five Thousand Two Hundred Sixty Seven only). The balance amount of Rs.2,85,267/- be deposited within four months from today before the Reference Court.

7. Respondents would be entitled to get the accrued interest on the already deposited amount, if not withdrawn. After deposit of amount the respondents are permitted to withdraw the entire amount, with accrued interest, if any. The entitlement of the respondents to get share in the amount shall be as directed by the Tribunal.

8. In view of the above the appeal stands disposed of, **as withdrawn.**

(G. A. SANAP, J.)

Namrata