



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

FIRST APPEAL NO. 550 OF 2012

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

Sahebrao s/o Piraji Kamble and ors.

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

Shri Saurabh A. Chaudhari, Advocate for the appellant.
Shri D.S. Lambat, Advocate for the respondents.

CORAM : G.A. SANAP, J.
DATE : 21/09/2023

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 22.12.2016 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.4,67,067/- (Rs. Four Lacs Sixty Seven Thousand and Sixty Seven 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 vs. Ratha Yadav, reported in, (2019) 3 SCC 410 the respondents may not be entitled to get the interest.

6. Since the appellant has deposited Rs.4,67,067, the appellant would be required to deposit the balance amount of Rs.3,32,933/- (Rs. Three Lacs Thirty Two Thousand Nine Hundred and Thirty Three Only). The balance amount of Rs.3,32,933/- be deposited within two months from today before the Reference Court.

7. Respondent No.5 has died. Respondent Nos.1 to 4 are her legal heirs. Respondent Nos.1 to 4 are therefore, entitled to get the amount of compensation.

8. Respondents would be entitled to get the accrued interest on the amount of Rs.4,67,067/-. The amount be paid to respondent Nos.1 to 4.

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 In view of the above, the appeal stands disposed of, as withdrawn.

(G. A. SANAP, J.)