



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

FIRST APPEAL NO. 205 OF 2012

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

Smt Shahbanabee Wd/o. Shaikh Gous and others

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

Mr N. S. Deshpande, DSGI a/w Mr N. P. Lambat, Advocate the appellant
None for respondents

CORAM : G.A. SANAP, J.

DATE : SEPTEMBER 06, 2023.

Heard.

2 Learned Deputy Solicitor General of India appearing for the appellant seeks leave to withdraw the appeal. Learned Advocate for the respondents is absent.

3 By impugned judgment and award the compensation of Rs.4,00,000/- with interest @ of Rs.7 % p.a. was awarded. In this appeal, the notification issued by Ministry of Railways (Railway Board) dated 22.12.2016 will be applicable. Moreover, 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 as well as the decision of the Apex Court in the case of *Union of India .v/s. Reena Devi*, reported in, AIR 2018 SC 2362, the

respondents would be entitled to get the maximum amount of Rs.8,00,000/-(Rs Eight Lacs Only) by way of compensation if the compensation already awarded with interest is less than Rs.8,00,000/- on the date of the award. In this case, the respondents would be entitled to get the compensation of Rs.8,00,000/- in as much as the compensation awarded with interest would be less than Rs.8,00,000/-.

4 The respondents are therefore entitled to get total compensation of Rs.8,00,000/-(Rs Eight Lacs Only) from the appellant. They shall not be entitled to get interest on the amount. The entitlement of the respondents to get share in the amount of compensation shall be as directed by the Tribunal. The appellant is directed to deposit the amount of compensation within four months from today.

5 The appeal stands **disposed of**, as withdrawn.

(G. A. SANAP, J.)

Namrata