



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

CIVIL APPLICATION (CAF) NO. 846/2023 IN
FIRST APPEAL NO. 607/2021 (D)

Yaseen S/O Gafoor Gawali

Vs

Union Of India Thr. General Manager, Central Railway, Cst Mumbai

Office Notes, Office Memoranda of
Coram, appearances, Court's Orders
or directions and Registrar's order

Court's or Judge's Order

Mr R.G. Bagul, counsel for appellant.

Ms N.G. Chaubey, counsel for the respondent.

CORAM : URMILA JOSHI-PHALKE, J.
DATED : 23/03/2023.

1. Heard.
2. This is an application for speaking to minutes on the ground that, in view of the judgment of the Hon'ble Apex Court in the case of *Union of India vs Radha Yadav*¹, wherein the Hon'ble Apex Court has held that the liability will accrue on the date of the accident and the amount applicable as on that date will be the amount recoverable. The compensation will be payable as applicable on the date of the accident with interest as may be considered reasonable on the date of the accident with interest as may be considered reasonable from time to time. However, if the amount so calculated is less than the amount prescribed on the date of the award of the Tribunal, the claimant will be entitled to the higher of the two amounts.

¹ (2019) 3 SCC 410

3. Admittedly, this Court has awarded the interest on the compensation amount at the rate of Rs. 7.5%. At the time of passing of the judgment, this judgment was not placed on record, by placing reliance on it.

4. Moreover, it is neither a typographical error or an accidental omission. Therefore, it cannot be corrected in speaking to minutes application. If the respondent is aggrieved by the rate of interest, so the respondent can file appropriate application for review of the said finding for regarding the rate of interest.

5. In view of the above, the civil application is rejected.

6. Liberty is granted to the respondent to file appropriate application.

JUDGE