

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

CIVIL APPLICATION (O) NO.654 2023 IN
MISC. CIVIL APPLICATION (ST) NO.8018 OF 2023 IN
FIRST APPEAL NO.1450 OF 2019

[Union of India ..V/s.. Nirmala wd/o Nagorao Gadling and Anr.]

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

Court's or Judge's order

Ms N. G. Chaubey, Advocate for Appellant.
Mr R. S. Suryawanshi, Advocate for Respondents.

CORAM : URMILA JOSHI-PHALKE, J.

DATE : 28th APRIL, 2023.

. The appeal is placed alongwith connected matters. However, inadvertently the Civil Application No.654 of 2023 is tagged with other appeals, hence it is to be de-tagged from the other appeals.

2. Application is for condonation of delay of 22 days, which caused in preferring the review application.

3. In view of the reasons mentioned in the application, the application is allowed and the delay of 22 days is hereby condoned.

4. The civil application is disposed of.

MISC. CIVIL APPLICATION (ST) NO.8018 OF 2023.

5. The First Appeal No.1450 of 2019 is disposed by this Court vide judgment dated 22.02.2023 by which the compensation amount of Rs.8,00,000/- was awarded to the claimants alongwith interest at the rate of 7.5% per annum from the date of lodging of the claim, till payment.

6. Learned Advocate Ms Chaubey placed reliance on Union

of India .V/s.. Radha Yadav, reported in (2019) 3 SCC 410 wherein in para No.11, the Hon'ble Apex Court has held that the issue raised in the matter does not really require any elaboration as in our view, the judgment of this Court in the case of Rina Devi is very clear. What this Court has laid down is that the amount of compensation payable on the date of accident with reasonable rate of interest shall first be calculated. If the amount so calculated is less than the amount prescribed as on the date of the award, the claimant would be entitled to higher of these two amounts. Therefore, if the liability had arisen before the amendment was brought in, the basic figure would be as per the Schedule as was in existence before the amendment and on such basic figure reasonable rate of interest would be calculated.

7. In view of that as per the submission of the learned advocate Ms Chaubey that the claimants are not entitled for the interest as alleged accident took place on 09.05.2015 i.e. prior to issuance of the revised notification. Considering the error granting interest is apparent, and therefore, the review application deserves to be allowed. In view of that the judgment is reviewed to the extent that claimants are only entitled to receive the amount of Rs.8,00,000/- (Rs.4,00,000/- each) and the observation of this Court that the claimants are entitled to receive the interest on the compensation amount of Rs.8,00,000/- deserves to be set aside.

8. In view of the above, I proceed to pass the following order :

ORDER

i) Misc. civil application is **allowed**.

ii) The judgment and order dated 22.02.2023 passed by this Court is modified and the claimants are entitled to receive the compensation amount of Rs.8,00,000/- (Rs.4,00,000/- each) without any interest.

9. The civil application is disposed of.

JUDGE.