



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

CAO NO.650/2023 AND MCA (REVIEW) ST.NO.8017/2023

IN

FA NO.607/2021

Union of India, through General Manager, Central Railway, CST, Mumbai

..VS..

Yaseen Gafoor Gawli

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

Court's or Judge's Order

.....
Ms Neerja G.Chaubey, Counsel for the Applicant/Union of India.

CORAM : URMILA JOSHI-PHALKE, J.

DATE : 20/10/2023

1. Heard.

2. Learned counsel Ms Neerja G.Chaubey appearing for the Union of India, has filed these applications. The civil application is filed for condonation of delay in filing application for review of judgment and order dated 15.2.2023 passed by this Court in the first appeal whereby compensation Rs.8.00 lacs was awarded to the claimant along with interest @ 7.5% per annum from the date of application, till realization of the amount. Delay is of 29 days.

3. Learned counsel Ms Neerja G.Chaubey for the Union of India, relying upon the decision of the Honourable Apex Court in the case of **Union of India vs. Radha Yadav, reported in (2019)3 SCC 410** submits that as per the said decision the

claimant is not entitled for interest.

4. Perusal of the the decision of the Honourable Apex Court in the case cited *supra*, shows particularly in paragraph No.11 that issue raised in the matter does not really require any elaboration as in our view, judgment of this Court in the case of **Union of India vs. Rina Devi (2019)3 SCC 572** is very clear. What this Court has laid down is that amount of compensation payable on the date of accident with reasonable rate of interest shall first be calculated. If amount so calculated is less than the amount prescribed as on the date of the award, claimants would be entitled to higher of these two amounts and, therefore, if the liability had arisen before the amendment was brought in, the basic figure would be as per Schedule as was in existence before the amendment and on such basic figure, reasonable rate of interest would be calculated.

5. The accident of the claimant in the present case in hand occurred on 9.5.2011 i.e. prior to issuance of revised Notification.

6. In view of the above, for the reasons stated in these applications, the applications are allowed. The delay stands condoned.

7. The judgment and order dated 15.2.2023 passed by this Court in First Appeal No.607/2021 is modified.

8. In view of the observations of the Honourable Apex Court in the case cited *supra*, that the claimant is not entitled to receive interest on the compensation amount of Rs.8.00 lacs. The claimant is entitled to receive compensation amount Rs.8.00 lacs only.

9. Both applications stand disposed of.

(URMILA JOSHI-PHALKE, J.)

!! BrWankhede !!