



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

FIRST APPEAL NO. 410 OF 2023

APPELLANTS
(Original appellants on
R.A.)

- : 1. Smt. Meera wd/o Sanjay Salve,
Age: 33 years,
Occ.: Housewife
2. Deepak s/o Sanjay Salve,
Age: 16 years,
Occ.: Education
3. Roshani D/o Sanjay Salve,
Age : 14 years,
Occ.: Education
4. Akshara D/o Sanjay Salve,
Age: 06 Years,
Occ.: Education
Applicants No.2 to 4 are minor under
the Guardianship their mother Smt.
Meera wd/o Sanjay Salve i.e. applicant
No.1
5. Smt. Kaushabai wd/o Natha Salve
Age: 60 years,
Occ.: Nil
All R/o Khandavi,
Taq. Partur,
Dist. - Jalna (431501)

//VERSUS//

RESPONDENT
(Original Respondent on
R.A.)

: The Union of India,
through General Manager, South
Central Railway, Secunderabad
(Telangana)

Shri D.S. Lambat, Advocate for appellant.

Mrs. Neeraja Chaubey, Advocate for respondent.

CORAM : G. A. SANAP, J.

DATED : 12th OCTOBER, 2023.

ORAL JUDGMENT

Heard.

2. ADMIT.

3. In this appeal, challenge is to the judgment and order dated 24.06.2022 passed by the Railway Claims Tribunal, Nagpur Bench, Nagpur. The challenge is limited to the order whereby the interest was not granted on the amount of compensation.

4. I have heard Shri D.S. Lambat, learned Advocate for the appellant and Ms Neeraja Chaubey, learned Advocate for the respondent. Perused the record and proceedings.

6. On merits the claim application has been decided in favour of the appellants. However, the learned Tribunal has not awarded the interest on the amount of compensation. Learned Advocate for the appellants submits that in view of the law laid

down by the Hon'ble Supreme Court in the case of *Union of India Vs. Rina Devi* reported in *AIR 2018 SCC 2362* the appellants are entitled to get the interest on the amount of compensation awarded by the Tribunal from the date of accident till the date of the actual payment. The issue raised in this appeal is fully covered by the decision in the case of *Union of India Vs. Rina Devi (supra)*.

7. In the facts and circumstances, I am of the view that the learned Tribunal was not right in rejecting the prayer for interest.

8. Accordingly, the appeal is allowed.

i) The respondent is ordered and directed to pay the interest at the rate of 6% per annum on the amount of compensation of Rs.8,00,000/- from the date of accident till the date of actual payment. It is further seen that the Tribunal has kept the amount in fixed deposit. This part of the order is also set aside. The appellant No.1 to 5 are entitled to get the amount of their share forthwith.

9. The First Appeal stands disposed of accordingly.

(G. A. SANAP, J.)