

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

CIVIL APPLICATION (CAF) NO.47/2024
IN
FIRST APPEAL NO.933/2010 (D)

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

Smt. Tarabai wd/o Shankarrao Patil and another

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

Court's or Judge's orders

Shri S.A. Chaudhari, Advocate for appellant
Shri D.S. Lambat, Advocate for respondent No.1

CORAM : SMT. M.S. JAWALKAR, J.
DATED : 18/04/2024

The present application is filed for speaking to minutes in the judgment dated 09/06/2023. It is submitted that, at the time of final hearing, the learned Counsel for respondents was absent and learned Counsel for appellant has not pointed out the Notification dated 22/12/2016. It appears that in view of the order dated 08/07/2010, the appellant was directed to deposit 75% of the decretal amount while granting stay. Accordingly, as per then existing position, the appellant deposited Rs.3,24,850/-. However, subsequently, the Notification issued by the Ministry of Railway dated 22/12/2016, by which, in case of death claim, the Railway shall be liable to pay compensation of Rs.8 Lakhs without interest, if accident occurred prior to date of notification.

2. As such, application for speaking to minutes needs to be allowed.

3. In the order dated 09/06/2023, delete the last two lines and add paragraph No.5 as under:

“5. However, in view of the Notification dated 22/12/2016, the respondent is entitled for amount of Rs.8 Lakh, out of which Rs.3,24,850/- came to be deposited to 08/11/2010. Therefore, appellant to pay amount of Rs.4,75,150/- (Rupees Four Lakh Seventy Five Thousand One Hundred Fifty Only) in the Court. The respondents are entitled to receive the amount of Rs.3,24,850/- (Rupees Three Lakh Twenty Four Thousand Eight Hundred Fifty Only) along with accrued interest thereon and amount of Rs.4,75,150/-, which appellant will deposit within a period of four weeks. Appeal stands dismissed.”

4. Corrected order be uploaded.

JUDGE

R.S. Sahare