



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

**CIVIL APPLICATION NO.1340 OF 2023 IN
MISC. CIVIL APPLICATION (ST.) NO.9597 OF 2023 IN
FIRST APPEAL NO.858 OF 2019**

(Union of India Vs. Smt. Anu @ Kalpana wd/o Rakesh Arkhel and ors.)

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

Court's or Judge's Order

Ms N.G. Chaubey, Advocate for the applicant.
Mr. R.S. Charpe, Advocate for respondent Nos.1 to 4.

CORAM:- URMILA JOSHI-PHALKE, J.
DATED :- APRIL 26, 2024

By this application, the appellant is seeking condonation of delay of 21 days which is caused in preferring the review application.

2. In view of the reasons mentioned in the application, delay of 21 days is condoned.

3. The application is disposed of.

MISC. CIVIL APPLICATION (ST.) NO.9597 OF 2023

By this application, the appellant is seeking review and modification of judgment dated 13/03/2023 in First Appeal No.858/2019 on the ground that in view of the judgment of the Hon'ble Apex Court in case of ***Union of India Vs. Radha Yadav (2019) 3 SCC 410*** wherein it is held that "*18..... wherever it is found that revised amount of applicable compensation as on the date of award of the Tribunal is less than the prescribed amount of compensation as on the date of accident with interest higher of the two amounts ought to be awarded on the*

principle of beneficial legislation. Present legislation is certainly a piece of beneficial legislation”.

2. In view of the said observation, learned Counsel for the appellant submitted that the respondents are entitled to receive the compensation of Rs.8,00,000/- without any interest.

3. Learned Counsel for the respondents admitted the legal position and submitted that appropriate order shall be passed.

4. In view of that observation of the Hon’ble Apex Court in the case of Union of India Vs. Radha Yadav (*supra*) the paragraph No.29 as well as the operative portion is modified and is reviews and I proceed to pass the following order :

“29. In view of the judgment of the ***Union of India Vs. Radha Yadav (2019) 3 SCC 410*** the claimants are entitled to receive the compensation of Rs.8,00,000/-”.

5. The observation that “the claimants are entitled to receive the interest @ 6% per annum from the date of lodging of the claim till the payment” is quashed and set aside.

6. The operative portion in para No.29 and clause (b) of the operative part be modified as per the order passed in the review application.

7. The application is allowed and disposed of accordingly.

(URMILA JOSHI-PHALKE, J.)