



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

FIRST APPEAL NO. 1444 OF 2019

APPELLANT : The Union of India, General Manager
Western Railway, Churchgate,
Mumbai.

//VERSUS//

RESPONDENTS : 1. Hafij S/o. Jamal Shaikh, Age 42 years,
Occ. - Labour.

2. Saidabi W/o. Hafiz Sheikh, Aged
about 38 years, Occ. Housewife.

All R/o. Beldar Moholla, Dharangaon,
Tah. : Dharangaon, Jalgaon – 425401.

Ms. Neerja Chaubey, Advocate for the Appellant.

CORAM : G. A. SANAP, J.

DATED : 14th FEBRUARY, 2024.

ORAL JUDGMENT

. Heard finally at the admission stage. Respondent Nos.1
and 2 though duly served, have failed to appear before this Court.

02] Learned advocate for the appellant-Railway submits that
challenge is mainly to the part of the order whereby the Tribunal
has awarded interest @ 6% per annum on the amount of

Rs.4,00,000/-. In this case, the Tribunal has recorded a finding that the deceased was a *bona fide* passenger. Similarly, the Tribunal has recorded a finding that the death was in an untoward incident.

03] In order to appreciate the submissions advanced by learned advocate for the appellant-Railway, I have gone through the order in the claim application dated 2nd March, 2017 and the order passed in the review application dated 8th March, 2018. It is seen that, as per the order passed in the claim application, on the amount of Rs.4,00,000/-, interest @ 6% per annum was awarded from the date of the claim application. However, it appears that in the review application, the said order was recalled, and the appellant-Railway was directed to pay a total compensation of Rs.8,00,000/-. The interest was not awarded. The Tribunal has recorded that the amount of Rs.4,00,000/- was paid in terms of the order dated 2nd March, 2017. The Tribunal has directed the appellant-Railway to pay the balance amount of Rs.4,00,000/-. In my view, therefore, the submission advanced by learned advocate for modification or setting aside any part of the order does not survive.

04] The Tribunal has not awarded the interest. In terms of the order dated 8th March, 2018 passed in the review application,

the respondents/claimants are held entitled to get compensation of Rs.8,00,000/-. The amount of Rs.4,00,000/- has already been paid. As per this order, the appellant-Railway is liable to pay the balance amount of Rs.4,00,000/-. As such, there is no substance in the appeal. The appeal is, accordingly, **dismissed**.

05] The appellant-Railway is directed to deposit the balance amount of Rs.4,00,000/- (Rupees Four Lakhs Only) within three months from today, if it is not already deposited.

06] If the amount of Rs.4,00,000/- is not deposited within three months from today, the appellant-Railway shall be liable to pay interest @ 6% per annum on the amount of Rs.4,00,000/- from the date of this order till realization of the said amount.

(G. A. SANAP, J.)

Vijay