



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

125.10

FAO-3416-2021
Reserved on: 30.08.2024
Pronounced on : 29.11.2024

Pappu Appellant

versus

Union of India and another Respondents

CORAM : HON'BLE MR. JUSTICE PANKAJ JAIN

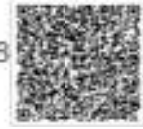
Present: Mr. Parminder Singh, Advocate
for the appellant.

Mr. Sunil Kumar, Advocate for
Ms. Neha Sharma, Sr. Panel Counsel
for the respondents-UOI.

PANKAJ JAIN, J. (Oral)

1. The appeal is directed against judgment and order dated 02.05.2019/18.03.2021 passed by the Railway Claims Tribunal, Chandigarh Bench, Chandigarh. Injured-Appellant filed an application under Section 16 of the Railway Claims Tribunal Act, 1987 seeking compensation of Rs 20,00,000 along with interest.

2. The alleged case of the claimant was that on 09.12.2017, the injured accompanied by his brother and mother, after purchasing their joint ticket, boarded the passenger train from Rama Mandi railway station to reach Hissar railway station to further catch another linking train to Alwar. While the injured was trying to board the linking train, he accidentally fell from the train, due to sudden violent jerk as well as pull and push of passengers. As a result of the same, he sustained



grievous injuries on the vital organs, which led to amputation of his left leg below thigh.

3. The Railway Claims Tribunal has awarded compensation of Rs.5,60,0000/- and thereafter vide judgment dated 24.03.2021 has rejected the prayer for review for grant of interest from the date of filing the claim petition till realization.

4. Learned counsel the appellant contends that in light of law laid down by Supreme Court in **Union of India vs. Rina Devi, (2019) 3 SCC 572**, the claimant was entitled to interest over and above the amount of compensation awarded. The Tribunal acted erroneously in dismissing the review application for grant of interest.

5. Learned counsel appearing for the Union of India contends that the review application was rightly dismissed on the ground that if the relief claimed by the party is not granted by the Court, the same is deemed to have been rejected. Hence, no review could lie against it.

6. I have heard counsel for the parties and have carefully gone through the records of the case.

7. The issue has been discussed elaborately by the Supreme Court in **Rina Devi's case (supra)**, wherein it has been held as under:-

“18. As already observed, though this Court in Thazhathe Purayil Sarabi (supra) held that rate of interest has to be at the rate of 6% from the date of application till the date of the award and 9% thereafter and 9% rate of interest was awarded from the date of application in Mohamadi (supra), rate of interest has to be reasonable rate at par with accident claim cases. We are of the view that in absence of any specific statutory provision, interest can be



awarded from the date of accident itself when the liability of the Railways arises upto the date of payment, without any difference in the stages. Legal position in this regard is at par with the cases of accident claims under the Motor Vehicles Act, 1988. Conflicting views stand resolved in this manner. The appeal will stand disposed of accordingly.”

8. In view of above, the appeal stands allowed. The claimant is entitled to interest @ 6% per annum payable for the period from the date of application till the date of actual realization.

(PANKAJ JAIN)
JUDGE

29.11.2024

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Whether speaking/reasoned : Yes

Whether Reportable : No