

**IN THE HIGH COURT AT CALCUTTA
CIVIL APPELLATE JURISDICTION
APPELLATE SIDE**

Present:

The Hon'ble Justice Ananya Bandyopadhyay

F.M.A 171 of 2023

Tagari Singha & Ors.

-Vs-

Union of India & Ors.

For the Appellants : Mr. Amit Ranjan Roy

For the Respondents : Mr. Amitava Nayek
Ms. Sayani Roy Chowdhury

Heard on & Judgment on : 04.04.2025

Ananya Bandyopadhyay, J.:-

1. The instant appeal was heard earlier and judgment was reserved. However, the matter was listed under the heading "For Hearing" for further clarification.
2. The Learned Advocates representing the respective parties are present.
3. Three claimant in respect of the deceased victim filed an application under Section 16 of the Railway Claims Tribunal Act, 1987 read with Sections 123(c)(2) and 124-A of Railways Act 1989 before the Railways Claims Tribunal, Kolkata Bench being Claims Application No. OA(IIU)/KOL/2010/03423.
4. The victim after purchasing a valid 2nd class railway ticket was travelling from Sealdah to Lakshmikantapur with another when he fell from the train due to a sudden jerk, the train being overcrowded. One police case was registered at Jadavpur GRPS vide U/D Case No. 22/10 dated 29.06.2010. It had also been averred that the journey ticket of the deceased was found missing.

5. The Learned Tribunal as aforesaid disposed of the issues framed considering the oral as well as documentary evidences allowed the claim and awarded a compensation award of Rs 8,00,000/- . The respondent was directed to satisfy the decree within 60 days from the date of judgement, failing which the claimants were entitled to an interest awarded at the rate of 9% per annum from the date of default till the date of actual payment.
6. The Learned Advocate of the Appellant argued as follows:-
 - a. The interest on the awarded amount should have been considered from the date of filling of the claim application till the date of deposit.
 - b. Section 3 of the Interest Act 1978 should have been considered at time of dealing with the case.
 - c. 12% interest per annum should have been passed on the awarded amount from the date of filling of the claim application till the date of deposit in view of the Apex court decision
 - d. The learned judge of the tribunal passed the interest on default clause, which was contrary to the established principles relating to payment of interest on money claim.
7. The Learned Advocate of the respondents argued as follows:-
 - a. The impugned order was passed on 06- 02-2019. Thereafter the review was preferred by the objectors/ respondents. The order of the current review application was passed on 02.01.2020. As per 'order' portion in para no. (iv) of the judgement of the learned RCT/Kolkata dated 06.02.2019, the claimants were directed to submit their savings bank A/C particulars with any nationalized bank/scheduled bank situated

nearby their residential address as mentioned in the aadhar cards / election identity cards to the respondent railway immediately for payment. But the appellant submitted the said Bank Mandate containing the bank account details on 05.04.2021 and revised mandate on 09.07.2021. Thereafter, the respondent issued the cheques in the name of the claimants on 24.11.2021 and sent the same to the claimants banker on 27.12.2021 and also made payment a portion of the awarded sum through N.E.FT. dated 24.11.2021 as per judgement to the claimants. Thus, they made payment of total Rs. 8,00,000/- which the maximum amount eligible by the claimant prior to the incident 1st January 2017 as per the judgement of the Hon'ble Supreme court passed in the matter of ***U.O.I. Vs. Rina Devi in Civil Appeal no. 4945/2018*** and also the judgement passed in the matter of ***U.O.I. Vs. Radha Yadav vide Civil Appeal No. 1267-1268 of 2019***. So, the respondent railway had rightly paid Rs. 8,00,000/- which was the maximum amount payable as per the judgement of Hon'ble Supreme Court in the above mentioned two cases.

- b. The Appellants were satisfied with the impugned order till the receipt of the claim amount, and it was only after the receipt of the same the Appellants felt dissatisfied because of the fact that the interest amount was not paid.
- c. There was no day-to-day explanation of the delay for this long period of 660 days.
- d.** The appeal was not maintainable as the impugned judgment was accepted by the appellants both for the claim amount and for the interest

amount as the bank mandate form was submitted much after the statutory period for preferring this appeal and the respondent railway had rightly complied the awarded sum as per the judgement of the learned RCT/Kolkata dated 6.2.2019 and as per the judgement of the Hon'ble Supreme Court passed in the matter of ***U.O.I. Vs. Rina Devi and U.O.I. Vs. Radha Yadav***. Therefore, preferring appeal after accepting the decree was barred in law under the Limitation Act, 1963.

8. Considered the submission of the learned Advocates representing both the parties.
9. Since the merits of the case are not disputed this Court restricts itself only to the extent of dealing with the interest. The order dated 6th January, 2019 passed by the learned tribunal is modified to the extent that the interest at the rate of 9% should be paid from the date of filing of the application till the date of its actual realisation.
10. The Learned Advocate for the respondent /Union of India is to deposit interest as aforesaid before the office of the learned Registrar General High Court at Calcutta within 12 weeks from the date of passing of this order.
11. The office of the Registrar General, High Court, Calcutta shall encash the said cheque and, thereafter, disburse the same to the present appellants /claimants in the award passed by the learned tribunal being OA(HU)/KOL/2010/03423 on proof of proper identification of the appellants /claimants subject to payment of ad valorem Court's fees.
12. The instant appeal is disposed of accordingly.
13. The pending applications, if any, stands disposed of.
14. The TCR be sent down to the concerned Tribunal forthwith.

15. Copy of the order be sent to the Department as well as the concerned tribunal as expeditiously as possible.

(Ananya Bandyopadhyay, J.)