

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

FIRST APPEAL NO. 949 OF 2025

Smt. Ratna Ramchandra More And Anr. ...Appellants
Versus
Union Of India, Thr. The General Manager, ...Respondent
Central Railway, Mumbai

Mr. Sainand Chougule for the Appellants.
Mr. Niranjan Shimpi for Respondent.

SNEHA
NITIN
CHAVAN

Digitally signed by
SNEHA NITIN
CHAVAN
Date: 2025.07.22
10:40:15 +0530

CORAM : M.M. SATHAYE, J.
DATE : 21st JULY, 2025

P.C. :

1. Heard learned Counsel for the parties. Perused the record.
2. This is an appeal challenging the Judgment and Order dated 25.10.2021 passed by the Railway Claims Tribunal, Mumbai Bench, Mumbai in Claim Application No. OA(IIU)/MCC/222/2018. By the said Order, the claim of the Appellants was allowed to the extent of Rs.8,00,000/- as compensation towards death claim. The Appellants are mother and sister of the deceased. It is not in dispute that the apportionment granted under impugned order is not under challenge.
3. Few facts necessary for disposal of the Appeal are as under. One Mr. Vikas Ramchandra More, while traveling for the purpose of office work, fell down from a running local train and sustained serious injuries. The deceased was traveling in second class with railway season ticket which was valid for the journey. On finding that the Appellants

are legal dependents on the deceased, who was a bonafide passenger on the date of the accident which was an untoward incident, the Tribunal has awarded Rs.8,00,000/- as compensation. However no interest is granted.

4. Learned Counsel for the Appellants relied upon the Judgment of the Hon'ble Supreme Court in the matter of **Union of India v/s. Rina Devi [(2019)3 SCC 572]** and Order dated 23.01.2025 in First Appeal (St) No. 23993 of 2022 of this Court and submitted that interest ought to have been granted on the amount of compensation from the date of accident.

5. Learned Counsel for the Respondent-Railways submitted that the observation of the Hon'ble Supreme Court in paragraph 30 of the **Rina Devi's case (supra)**, only indicates that interest 'can' be awarded from the date of accident, however there is no specific statutory provision in that regard. He submits that this does not mean that interest has to be granted.

6. I have considered the submissions and perused the Judgment of Rina Devi (supra) as well as the said order dated 23.01.2025 relied upon by the Appellants. The Hon'ble Supreme Court in Rina Devi's case after considering the law and earlier Judgments on this issue has held as under:

"30. As already observed, though this Court in Thazhathe Purayil Sarabi v/s. Union of India held that rate of interest has to be @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 v/s.

Union of India, rate of interest has to be reasonable rate on a 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 up to the date of payment, without any difference in the stages. Legal position in this regard is on a par with the cases of accident claims under the Motor Vehicles Act, 1988. Conflicting views stand resolved in this manner.”

[emphasis supplied]

7. Considering the fact that compensation is in monetary form based on cause of action of accident, it does not stand to reason that reasonable interest should not be granted. The view has been now settled by Hon’ble Supreme Court as narrated above. Following the said view, interest has to be granted. In the order relied upon by the Appellants, interest @6% p.a. is granted. I follow the same course.

8. In that view of the matter, First Appeal succeeds and following order is passed.

- (i) First Appeal is allowed.
- (ii) The Respondent/Railway is directed to pay interest @ 6% per annum on compensation of Rs.8,00,000/- from the date of accident (which is 10.01.2018) till its full realisation.
- (iii) The amount to be paid within a period of 8 weeks from today.

(M.M. SATHAYE, J.)