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

FIRST APPEAL NO. 837 OF 2025

1) Sahebrao s/o Piraji Kamble,
Age about 34 years, Occ. - Labour.

2) Arjun s/o Piraji Kamble,
Age about 38 years, Occ. - Labour,

3) Ranjita w/o Nivruti Gayakwad,
Age about 43 years, Occ. - Household,

4) Ansabai w/o Piraji Kamble,
Age about 62 years, Occ. - Household,

5) Dropadabai w/o Arjun Kamble,
(since died on 17-03-2013)

All R/o Sugaon, Tahsil – Loha,
District – Nanded. .... **APPELLANTS**

VERSUS

Union of India,
Through the General Manager,
South Central Railway, Secunderabad. .... **RESPONDENT**

Mr. D.S. Lambat, Advocate for the appellants,
Ms. N.G. Chaubey, Advocate for the respondent.

CORAM : ABHAY J. MANTRI, J.
DATE : 20-06-2025

ORAL JUDGMENT :

Heard. **Admit**. With the consent of the learned counsel for the parties, the appeal is taken up for a final hearing forthwith.

2. The appellants/original applicants, being aggrieved by the order dated 16-07-2024 passed by the Railway Claims Tribunal, Nagpur, Bench, Nagpur (hereinafter referred to as the "***Tribunal***") in Case No. MA/NGP/32/2024, in claim Application No. OA (IIu) NGJ/106/2010, thereby passed the order about disbursement and distribution of the compensation amount as per the Table mentioned in paragraph No.5 of the said order, has filed this appeal.

3. The appellants had filed Claim Application No. OA (IIu) NGP/106/2010 before the Tribunal, on account of the death of Pilaji in an untoward incident of accident dated 19.01.2010, which was allowed vide Judgment dated 25,08.2011, and the respondent was directed to pay Rs. 4,00,000/- to appellants Nos. 1 to 5, i.e. original applicant Nos. 1 to 5, in equal shares, along with interest at the rate of 6% per annum accrued on it.

4. The said order was challenged by the respondent before this Court in First Appeal No.550/2012. However, during the pendency of the Appeal, the appellant therein, i.e., the respondent herein, seeks permission to withdraw the same. Accordingly, this Court, after hearing the parties, disposed of the appeal as withdrawn, however, modifying the order of the Tribunal and directed the respondents herein to pay a

compensation of Rs. 8,00,000/- to the appellants. In the said order, this Court has also observed that respondent No. 5 has passed away and, therefore, held that respondent Nos. 1 to 4, being the legal heirs, are entitled to receive the said compensation amount.

5. Then the appellants had filed Civil Application (CAF) No. 247/2023 in First Appeal No. 550/2012 for the grant of permission to correct the names of appellant Nos. 3 and 4. The said application was allowed on 30-01-2024 and, accordingly, permitted the appellants to correct the names of Appellant Nos. 3 '*Ranjita*' as '*Ranjanabai*' and Appellant No.4 '*Ansabai*' as '*Anusayabai*' in the memo of appeal and the claim application.

6. Pursuant to the order of this court, the appellants approached the Tribunal to permit them to carry out the corrections in the name of Appellant Nos. 3 and 4. However, the Tribunal has insisted on filing a necessary application for the correction of the names of appellant Nos. 3 and 4. Accordingly, the appellants had filed Application No. MA/NGP/32/2024 before the Tribunal for correction of the names of appellant Nos. 3-Ranjita and 4-Ansabai, and also prayed for the disbursement of the compensation amount, along with the accrued interest thereon as per the mandate. However, the Tribunal has not considered the said application in its proper perspective and erred in

determining the question of disbursement and distribution of the amount to the appellants' entitlement. The Tribunal has permitted the appellants to correct the names of Appellant Nos. 3 and 4, however, directed the authorities to keep the amount mentioned in Table, paragraph No. 5 of the order, in a fixed deposit for a period of 1 to 42 months in ascending order. Being aggrieved by said order, the appellants have preferred this appeal.

7. Heard the learned Advocates for both sides, perused the impugned order and record. The following point arises for my determination:

Whether any interference is required in the impugned order?

8. Mr. D.S. Lambat, learned Advocate for the appellants, vehemently contended that the Tribunal has erred in passing the order by directing the authorities to keep the amount in a fixed deposit. The Tribunal has acted contrary to the order passed by this Court in the first appeal. Therefore, he submitted that the impugned order is perverse. He further canvassed that the Tribunal has no authority to deal with the distribution and disbursement of the compensation amount as this Court in appeal has dealt with the said issue and held that appellant Nos.1 to 4 are entitled to get the amount of compensation and,

therefore, while dealing with the application for correction of the names of appellant Nos. 3 and 4, the Tribunal has no authority to keep the compensation amount in fixed deposits. Hence, he urged that the impugned order be quashed.

9. Ms. N.G. Chaubey, learned Advocate for the respondent, does not dispute the submissions made by the learned Advocate for the appellants; however, she has submitted that the necessary order be passed in the appeal.

10. While dealing with the issue in controversy, I would like to reproduce the order dated 21-09-2023 passed by this Court in First Appeal No.550/2012, as under :

> *"Heard.*
>
> *2. Learned Advocate for* ***the appellant seeks permission to withdraw the appeal.***
>
> *3. Learned Advocate for the respondents submits that in view of the notification issued by the Ministry of Railways (Railway Board) dated 22.12.2016, in case of death claim, the appellant shall be liable to pay compensation of Rs. 8,00,000/- (Rs. Eight Lacs Only).* ***Learned Advocate for the appellant submits that respondents are entitled to get compensation of Rs. 8,00,000/- but without interest.***
>
> *4. It is pointed out that in terms of the order of this Court, the appellant has deposited Rs. 4,67,067/- (Rs. Four Lacs Sixty Seven Thousand and Sixty Seven Only) in the Reference Court, i.e. Railway Claims Tribunal, Nagpur.*
>
> *5. In view of the decision of the Hon'ble Apex Court in the case of Union of India vs. Ratha Yadav, reported in (2019) 3*

> *SCC 410, the respondents may not be entitled to get the interest.*
>
> *6. Since the appellant has deposited Rs. 4,67,067, the appellant would be required to deposit the balance amount of Rs. 3,32,933/- (Rs. Three Lacs Thirty Two Thousand Nine Hundred and Thirty Three Only). The balance amount of Rs. 3,32,933/- be deposited within two months from today before the Reference Court.*
>
> *7. Respondent No.5 has died. Respondent Nos. 1 to 4 are her legal heirs.* ***Respondent Nos. 1 to 4 are therefore entitled to get the amount of compensation.***
>
> *8. <u>Respondents would be entitled to get the accrued interest on the amount of Rs. 4,67,067/</u>-.* ***The amount be paid to respondent Nos. 1 to 4.***
>
> *9. In view of the above, the appeal stands disposed of, as withdrawn."*

11. A bare perusal of the above order, it appears that the respondent-Union of India had withdrawn the appeal as the Ministry of Railways has issued notification dated 22-12-2016 whereby stated that in case of the death claim the legal heirs of the deceased are entitled for compensation of Rs.8,00,000/- and accordingly, in the order, this Court has observed that ***original applicants No. 1 to 4 are entitled to get the compensation of Rs.8,00,000/***- and directed the appellants therein to deposit the amount of Rs.4,67,067/- with the Tribunal. It is also observed that respondent No. 5 in the said appeal has expired***;*** *<u>therefore, respondent Nos. 1 to 4 are entitled to receive the said compensation amount, along with accrued interest on the part amount</u>*

<u>*of Rs. 4,67,067/-.*</u> ***This Court further categorically ordered to pay the said Compensation amount to Appellant Nos. 1 to 4.***

12. The order dated 30.01.2024 itself shows that this Court in appeal has permitted the appellants to correct their names in the claim application as well as the memo of appeal, and, therefore, it was not necessary to further move an application before the Tribunal for carrying out the correction of the names of appellant Nos. 3 and 4. Moreover, by order dated 21.09.2023, this Court had directed to pay the Compensation to the Appellant Nos. 1 to 4. In view of the above factual position and legal mandate, it was incumbent on the respondent Authority to pay the amount as per the order dated 21.09.2023 of this Court and the order dated 25.08.2011 passed by the Tribunal in equal proportion to all the appellants without insisting on filing a further application before it nor it was required to pass the impugned order.

13. Apart from this, even assuming the facts that, as per instructions of the authorities of the Tribunal, the appellants filed the application, in such circumstances, it was incumbent on the respondent Authority to pay the amount as per the order dated 21.09.2023 of this Court.

14. Furthermore, it also appears from the order of the Tribunal that the Tribunal has directed to pay an equal amount of compensation to each of the original applicants, and due to the withdrawal of the appeal, said order attained finality. Therefore, it is apparent that the original applicants are entitled to receive an equal amount of compensation.

15. It is further evident from the record that during the pendency of the proceedings, original applicant No.5-Dropadabai died, and original applicants Nos. 1 to 4 are her legal heirs. Therefore, as per the order of the Tribunal, as well as the order of this Court in First Appeal No.550/2012, original applicants Nos. 1 to 4 / appellant Nos. 1 to 4 are entitled to get the compensation amount equally. It is pertinent to note that, while disposing of the appeal, this Court directed the payment of the compensation amount to the applicants/appellants Nos. 1 to 4. Despite this fact, it appears that the Tribunal erred in passing the impugned order. This itself denotes that the Tribunal has exceeded its jurisdiction while passing the impugned order. No question arose regarding the Tribunal's determination of the facts related to the distribution of the compensation amount afresh. Therefore, in my view, the impugned order does not survive in the eyes of the law and is liable to be quashed and set aside to the extent of distribution and disbursement of the compensation amount as directed by the Tribunal.

16. The learned Advocate for the appellants has also submitted that the appellants have carried out the correction in the names of Appellant Nos. 3 and 4 before the Tribunal.

17. Having considered the above, in my view, the order dated 16-07-2024 passed by the Tribunal in Case No. MA/NGP/32/2024 to the extent of distribution and disbursement of the compensation amount as directed in Table of paragraph No. 5 of the said order is quashed and set aside. The consequential order, if any, passed pursuant to the said finding is hereby quashed and set aside. Therefore, interference is required in the impugned order to that extent. Hence, I answer the point in the affirmative accordingly.

18. As a result, the appeal is allowed. The order dated 16-07-2024 passed by the Tribunal in Case No. MA/NGP/32/2024 to the extent of distribution and disbursement of the compensation amount as directed in Table of paragraph No. 5 is quashed and set aside. The respondent is directed to pay the compensation amount to the appellants in equal proportion to Appellants Nos. 1 to 4, as per the order passed in First Appeal No. 550/2012, along with accrued interest on the amount of Rs. 4,67,067/-. The respondent is directed to transfer an amount of Rs.2,00,000/- each along with proportionate accrued interest thereon in the bank accounts of appellant Nos. 1 to 4 within

three weeks from receipt of copy of this judgment as well as on furnishing the bank account details of appellant Nos. 1 to 4 with the Tribunal. No order as to costs.

(ABHAY J. MANTRI, J.)

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