



**IN THE HIGH COURT OF ANDHRA
PRADESH :: AMARAVATI
(Special Original Jurisdiction)**

[3459]

TUESDAY, THE NINETEENTH DAY OF AUGUST
TWO THOUSAND AND TWENTY FIVE

PRESENT

THE HON'BLE SMT. JUSTICE SUMATHI JAGADAM

CIVIL MISCELLANEOUS APPEAL No.849 OF 2012

Between:

1. Kuruva Kullayappa, S/o.Nagappa,
Aged about 45 Years.
2. Smt. Kuruva Lakshmi Devi, W/o.Kullayappa,
Aged about 40 Years.

(Both are R/o.Nalladasara Palli Village,
Guntakal Mandal, Anantapur District).

Appellants

AND

Union of India,
Rep. by it's General Manager,
South Central Railway,
Secunderabad.

Respondents

Appeal is under Section 23 of the Railway Claims Tribunals Act, 1987 against order in O.A.A. No.275 of 2006, dated 06.04.2011, insofar as awarding of the interest to the appellants on Rs.4,00,000/- from the date of the application till the date of realization of the amount from the respondent.

IA No.1 OF 2012 (CMAMP 1184 OF 2012)

Petition under Section 151 CPC praying that in the circumstances stated in the affidavit filed in support of the petition, the High Court may be pleased condone the delay of 4 days in representation of the above appeal

IA No.1 OF 2014 (CMAMP 40486 OF 2014)

Petition under Section 151 CPC praying that in the circumstances stated in the affidavit filed in support of the petition, the High Court may be pleased

Counsel for the Appellant(S):

1.INENI VENKATA PRASAD

Counsel for the Respondent:

1.ADHI VENKATESWARA RAO

2.J U M V PRASAD (CENTRAL GOVERNMENT COUNSEL)

The Court made the following:

JUDGMENT:

This Civil Miscellaneous Appeal, under Section 23 of the Railway Claims Tribunals Act, 1987 (for short, 'the RCT Act'), is filed by the Appellants/Applicants aggrieved by the order, dated 06.04.2011, passed in O.A.A No.275 of 2006 by the Member (Judicial) of the Railway Claims Tribunal, Secunderabad Bench (for short, 'the Tribunal'), wherein the Tribunal allowed the Application and directed the Respondent/Railway to deposit an amount of Rs.4,00,000/- within three (3) months from the date of that order along with interest at the rate of 9% p.a. from the date of the impugned order till the date of realization, against the original claim of Rs.4,00,000/-.

2. Heard Sri I. Venkata Prasad, learned counsel for the Appellants/Applicants, Sri J.U.M.V. Prasad, learned Standing Counsel for the Respondent/Railway, and perused the record.

3. To simplify, the parties will be referred to as they were originally named before the Tribunal.

4. The case of the applicants, in brief, is that on 30.01.2006, the deceased Kuruva Sekhar was travelling in Train No. 248 from Kalluru to Anantapur with a Second Class Ticket No. 87447. Due to heavy rush in the train, he accidentally fell after crossing Garladdenne Railway station and sustained serious injuries, which resulted in his death at the railway station.

5. The applicants are the parents of the deceased. As per Section 123 (b) (i) of the Railways Act, the parents are entitled to claim compensation if the deceased passenger was unmarried. The applicants have produced a certificate issued by the Tahsildar, Guntakal, Anantapur District, claiming compensation of Rs. 4,00,000/-.

6. The Respondent/Railway filed a written statement denying the allegations in the Claim Application and stated that the claim does not fall under the provisions of Section 123 (c) or Section 124A of the Railways Act, 1989. It was also noted that the deceased fell from the moving train while sitting on the footboard, and therefore, his death was caused by his negligence, and he prayed for the dismissal of the Application.

7. On behalf of the applicants, AW.1, the 1st applicant was examined, and Exs.A-1 to A-5 were marked. On behalf of the Respondent/Railway, no one was examined, and no documents were marked.

8. However, during the hearing of this appeal, learned counsel for the appellants/applicants restricted his argument only to the limited extent of awarding interest in the matter.

9. Now, the short question that arises for consideration is whether the appellants/applicants are entitled to interest from the date of filing of the Application or the date of the Order?

10. Admittedly, the deceased, at the time of the accident was about 20 years old and, due to the heavy rush in the coach, he accidentally fell from the train and died of severe injuries. Learned counsel for the appellants submits that the appellants have not engaged any counsel to file another application before the Tribunal. Hence, they are entitled to interest from the date of the original application. There is no oral or documentary evidence to show that the appellants/applicants had previously filed O.A.A. No. 155 of 2006. The Railway Claims Tribunal has erroneously concluded and awarded interest from the date of the order instead of the date of filing the application. The Tribunal ought to have considered that the children hold significant symbolic importance for parents in terms of their generativity and hope for the future. When a child dies, the dreams may die too. This death of the future seems integral to the intensity of many parents' responses. While guilt and self-blame are common in bereavement, they are especially pronounced following the death of a child. Such a loss severely threatens the parents' role as caregivers, protectors, and mentors. The respondents/railways have not examined any witnesses or marked documents on their behalf. In the absence of any contra evidence, the Tribunal ought not to have held that the applicants are entitled to interest only from the date of the order.

11. Hence, the order dated 06.04.2011 passed by the Tribunal in O.A.A. No. 275 of 2006 is modified by directing the Respondent/Railway to calculate interest from the date of the application until the amount is realised and to pay interest at 6% p.a.

on the awarded amount of Rs. 4,00,000/-. The Respondent/Railway is also directed to release the amount immediately to the appellants.

12. Accordingly, with this observation, the Civil Miscellaneous Appeal is disposed of. No order as to costs.

As a sequel, miscellaneous applications pending, if any, shall stand closed.

JUSTICE SUMATHI JAGADAM

Date:19.08.2025
DSH

THE HON'BLE SMT. JUSTICE SUMATHI JAGADAM

CIVIL MISCELLANEOUS APPEAL No.849 OF 2012

19th August, 2025

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