

THE HON'BLE DR.JUSTICE SHAMEEM AKTHER

C.M.A.No.445 OF 2016

JUDGMENT:

This Civil Miscellaneous Appeal, under Section 23 of the Railway Claims Tribunal Act, 1987, is directed against the order, dated 19.06.2015 in O.A.A. No.21 of 2003 on the file of the Railway Claims Tribunal, Secunderabad Bench at Secunderabad (for short, 'the Tribunal') aggrieved by non-grant of interest *pendente lite* throughout on the compensation amount of Rs.4,00,000/- awarded for the death of the deceased Bodireddy Baburao.

2. Heard the learned counsel for the appellants/ applicants and the learned Standing Counsel for the respondent/Railways and perused the record.

3. Learned counsel for the appellants/applicants would contend that the Tribunal ought to have awarded interest at the rate of 9% per annum from the date of application till the date of award and prays to allow the appeal.

4. On the other hand, learned Standing Counsel for the respondent/Railways would contend that in the given circumstances, the applicants are not entitled for interest at the rate of 9% per annum as claimed and prays to dismiss the appeal.

5. In view of the submissions made by the learned counsel on either side, the point that arises for determination is:

“Whether the appellants/applicants are entitled for interest at the rate of 9% per annum from the date of filing the claim application till the date of award as prayed?”

6. **POINT:-**

Considering the evidence on record, the Tribunal awarded compensation of Rs.4,00,000/- and that order has become final to that extent. The Tribunal awarded interest @ 6% per annum on the compensation awarded from 17.12.2013, the date of restoration of the claim application, till the date of Award and thereafter @ 9% per annum till realization.

7. As per the material on record, the claim application was filed on 06.01.2003. The appellants had not diligently pursued the claim application and it was dismissed for default. Thereafter, on the application filed by the applicants, the default dismissal order was set aside and the claim application was restored to file on 17.12.2013. As there were laches on the part of the applicants, the Tribunal has not awarded *pendente lite* interest till 17.12.2013. As the applicants themselves are responsible for dismissal of the claim application for default by not

pursuing the case diligently, the Tribunal is justified in denying the interest for some period as indicated in the order. There is no infirmity. The appeal is devoid of merits and is liable to be dismissed.

8. In the result, the appeal is dismissed. There shall be no order as to costs. Miscellaneous petitions pending, if any, in this appeal shall stand closed.

DR.JUSTICE SHAMEEM AKTHER

20.11.2018

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