

IN THE HIGH COURT OF ANDHRA PRADESH AT AMARAVATI

FRIDAY, THE TWENTY SEVENTH DAY OF SEPTEMBER  
TWO THOUSAND AND TWENTY FOUR

PRESENT

HONOURABLE DR JUSTICE K MANMADHA RAO

I.A. NO.2 OF 2024

IN

CIVIL MISCELLANEOUS APPEAL NO: 293 OF 2019



**Between:**

Union of India, Represented by the General Manager, East Coast  
Railway, Bhubaneswar

**...Review Petitioner/Respondent**

**AND**

1. R.Venkata Ramana, S/o.Late R.Balaram, aged about 35 years, Occ:  
Tailor, R/o.38/12-10/3, Maharani Street, Marripalem Area Post,  
Visakhapatnam.
2. R.Ravi Sankar @ Ravi, S/o.R.Venkata Ramana, aged about 10  
years, Occ: Student, R/o.38/12-10/3, Maharani Street, Marripalem  
Area Post, Visakhapatnam.
3. R.Chandu, S/o.R.Venkata Ramana, aged about 08 years, Occ:  
Student, R/o.38/12-10/3, Maharani Street, Marripalem Area Post,  
Visakhapatnam.

**...Respondents/Appellants**

Petition under Section 114 of CPC praying that in the circumstances  
stated in the affidavit filed in support of the petition, the High Court may be

pleased to Review the Orders passed by this Court in CMA No.293 of 2019, dated 19-12-2023.

**Counsel for the Petitioner : Sri Pasala Ponna Rao (Central Government Counsel)**

**Counsel for the Respondents : Smt N.S.Geetha Madhuri**

**The Court made the following ORDER:**

The application is filed to review the order dated 19.12.2023 passed in the C.M.A and modify the Judgment.

2. Heard Mr. Pasala Ponna Rao, learned counsel for the review petitioner and Ms.Geetha Madhuri N.S, learned counsel for the respondent/petitioner.

3. Learned counsel for the review petitioner would contend that in case of death in an accident which occurred before amendment, the basic figure would be Rs.4,00,000/-. If after applying reasonable rate of interest the final figure were to be less than Rs. 8,00,000/-, which was brought in by way of amendment, the claimant would be entitled to Rs. 8,00,000/-. If however the amount of original compensation with rate of interest were exceed the sum of Rs. 8,00,000/- the compensation would be in terms of figure in excess of Rs. 8,00,000/-. Whereas this Court allowed the compensation of Rs. 8,00,000/- and on Rs. 8,00,000/- and with interest at 6% p.a from the date of filing claim till the date of award and thereafter, at the rate of 9% p.a till the date of actual payment, instead of on the amount of compensation of Rs.4,00,000/-, since the incident occurred prior to amendment i.e dated 01.01.2017. Whereas, in **Kamukyu and Others v. Union of India and Others** the Hon'ble Apex Court awarded interest from the date of application till the date of realization only and there is no further stage of interest awarded from the date of Award to till realization. In view of the same, there is an error



apparent on the face of the record in the order of this Court. Hence, review the C.M.A and modify the order in the interest of justice.

4. Perused the Judgment.

5. Learned counsel for the Review Petitioner placed on record the common order passed in I.A.No.1 of 2022 and I.A.No.2 of 2023 in C.M.A.No.1074 of 2018, wherein this Court at Para 8 held as follows:

*" However, in a subsequent Judgment referred above, the Hon'ble Apex Court while considering the payment of interest and payment of enhanced compensation, was pleased to observe that:*

*In case of death in an accident which occurred before amendment, the basic figure would be Rs. 4,00,000/-. If after applying reasonable rate of interest, the final figure were to be less than Rs. 8,00,000/-, which was brought in by way of amendment, the claim would be entitled to Rs. 8,00,000/- If however, the amount of original compensation with rate of interest were to exceed the sum of Rs. 8,00,000/-, the compensation would be in terms of figure in excess of Rs. 8,00,000/-. The idea is to afford the benefit of the amendment to the extent possible".*

6. No doubt, there is an error crept with regard to amount awarded by this Court and also interest part in the Judgment inadvertently. However, as per written instructions, it is contended that the amount of compensation as on the date of incident is Rs. 4,00,000/- and interest accrued at 7% thereon would be calculated till date of judgment, which the respondent/ claimant is entitled to. However, the review petitioner has admitted that a fixed compensation amount has been sanctioned at Rs. 8,00,000/- for the death, which is either less or high on the amount calculated as per judgment of this Court. Therefore, the review petitioner is agreed to pay Rs. 8,00,000/- to the petitioner/claimant.

7. Considering the submissions of learned counsel for the Review Petitioner, the operative portion of the order passed by this Court dated 19.12.2023 in C.M.A.No.293 of 2019 is modified as under:

"13. Following the decisions cited supra, this Court is inclined to allow the Civil Miscellaneous Appeal, while setting aside the impugned judgment passed by the learned Tribunal dated 08.02.2019 passed in OA/II/U/302 of 2013. The appellants are permitted to claim compensation of Rs. 8,00,000/- (Rupees Eight Lakhs Only) from the respondent in equal shares.

14. With the above direction, the Civil Miscellaneous Appeal is allowed. It is made clear that the respondent is directed to deposit an amount of Rs.8,00,000/- (Rupees eight lakhs only) within two (02) months from the date of receipt of a copy of this order, if not already deposited. On such deposit, the appellants are permitted to withdraw the deposited amount, as per their shares in terms of the award, without furnishing any security. There shall be no order as to costs".

8. Registry is directed to make necessary corrections in the said order and issue revised/amended copy of the order to the learned counsels.

Accordingly, the application is allowed.

//TRUE COPY//

SD/- V DIWAKAR  
DEPUTY REGISTRAR

  
SECTION OFFICER

To,

1. The Railway Claims Tribunal, Amaravathi Bench at Guntur.
2. One CC to Smt N.S.Geetha Madhuri, Advocate [OPUC]
3. One CC to Sri Pasala Ponna Rao (Central Government Counsel) [OPUC]
4. The General Manager, Union of India, East Coast Railway, Bhubaneswar.
5. **Three CD Copies**

BSV  
sree

**HIGH COURT**

**DATED:27/09/2024**

**ORDER**

**IA No.2 OF 2024 in CMA.No.293 OF 2019**



**ALLOWING THE IA No.2 OF 2024**