

IN THE HIGH COURT OF JHARKHAND AT RANCHI
Misc. Appeal No. 497 of 2014

Union of India through the General Manager,
South Eastern Railway, Kolkata Appellant
Vrs.
Smt. Hiramuni Tudu Respondent

CORAM: HON'BLE MR. JUSTICE RAJESH KUMAR

For the Appellant : M/s Abhishek Kr. Dubey, Adv.
For the Resp. :
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I.A. No. 7592 of 2018

05/31.08.2018 The instant interlocutory application has been filed under Section 5 of the Limitation Act for condoning the delay of 1007 days in preferring the present appeal.

The reason for delay in filing the appeal has been explained as official in nature i.e. movement of file.

The present appeal has been filed against the Award dated 15.12.2011 in Case No. TAU/RNC/2003/0015 passed by the Member/Judicial, Railway Claims Tribunal, Ranchi Bench whereby the claimant is entitled for compensation as her husband died in an accident and deceased was a bonafide passenger and death of the her husband is covered under the definition of untoward incident.

Basically the appellant-Railway has filed the present appeal against the interest, which has been granted @ 9% per annum from the date of incident i.e. 19.01.2003.

As per the judgment rendered by the Apex Court in the case of *Union of India Vs. Rina Devi* reported in *2018(2) JBCJ 478 (SC)*, interest granted @ 9% per annum from the date of incident i.e. 19.01.2003 is correct.

Since, there is huge delay of 1007 days in filing the instant appeal, this Court is not satisfied with the ground explained for condoning the delay in I.A. No. 7592 of 2018 and the same is hereby dismissed. Consequently, the instant Appeal is also dismissed.

(Rajesh Kumar, J.)

Kamlesh/