

IN THE HIGH COURT OF ANDHRA PRADESH AT AMARAVATI

THURSDAY, THE EIGHTH DAY OF MAY
TWO THOUSAND AND TWENTY FIVE



PRESENT
HONOURABLE DR.JUSTICE K.MANMADHA RAO

I.A. NO.2 OF 2025

IN

CIVIL MISCELLANEOUS APPEAL NO: 44 OF 2020

Between:

Union of India, Rep. by the General Manager, South Central Railway,
Secunderabad.

... Petitioner

AND

K.Rajagopal Reddy, S/o.Late K.Tatha Reddy, aged about 32 years,
Occ:Cloth Business, D.No.7-69, Ganganamma Temple Street,
Konkuduru Village, Bikkavole Mandal, East Godavari District.

...Respondent

Petition under Order 47 Rule 1 of CPC read with 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 Order dated
20-12-2023 passed by this Court in CMA No.44 of 2020.

Counsel for Petitioner : Sri Venna Hemanth Kumar

Central Government Counsel

Counsel for the Respondent : Ms. Geetha Madhuri N S

The Court made the following ORDER:

The application is filed to review the order dated 20.12.2023 passed in the C.M.A and modify the Judgment.

2. Heard Mr.Venna Hemanth Kumar, learned Central Government Counsel appearing 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 the incident was occurred on 22.06.2012 in which the claimant's right leg was severely crushed and sustained severe multiple injuries all over the body. For the said injuries, the compensation would be Rs.2,00,000/- along with interest or Rs.4,00,000/- which is higher. In similar circumstances of this case, the Hon'ble Apex Court in "**Union of India V. Radha Yadav**", wherein at Para 10, held as follows:-

"The issue raised in the matter does not really require any elaboration as in our view, the judgment of this Court in the case of Rina Devi is very clear. What this court has laid down is that the amount of compensation payable on the date of accident with reasonable rate of interest shall first be calculated. If the amount so calculated is less than the amount prescribed as on the date of the award, the claimant would be entitled to higher of these Civil Appeal Nos.1265-1266/2019 SLP(C) Nos.28032-33/2018 Union of India vs. Radha Yadav two amounts. Therefore, if the liability had arisen before the amendment was brought in, the basic figure would be as per the Schedule as was in existence before the amendment and on such basic figure reasonable rate of interest would be calculated. If there be any difference between the amount so calculated and the amount prescribed in the Schedule as on the date of the award, the higher of two figures would be the measure of compensation. For instance, in case of a death in an accident which occurred before amendment, the basic 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 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. Thus, according to us, the matter is crystal clear. The issue does not need any further clarification or elaboration”.

4. Perused the Judgment and material on record.

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 Rs.4,00,000/- was paid to the applicant on 01.07.2024.

7. Considering the submissions of both the learned counsels; Paragraph No.18 of the order passed by this Court dated 20.12.2023 in C.M.A.No.44 of 2020 is modified as under:

“18. Accordingly, the Civil Miscellaneous Appeal is allowed, while setting aside the impugned Judgment passed by the learned Railway Claims Tribunal, Amaravati Bench. The petitioner is permitted to claim compensation of Rs.4,00,000/- (Rupees Four Lakhs only) from the respondent. The respondent is directed to deposit an amount of Rs.4,00,000/- (Rupees Four Lakhs only), within three (03) months from the date of receipt of a copy of this order, if not already deposited. On such deposit, the appellant is permitted to withdraw the deposited amount, 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, this application is allowed.

//TRUE COPY//

Sd/- S.V.S.R.MURTHY
JOINT REGISTRAR

SECTION OFFICER

To,

1. The Railway Claims Tribunal, Amaravathi Bench, Amaravathi.
2. One CC to Ms. Geetha Madhuri N S, Advocate [OPUC]
3. One CC to Sri Venna Hemanth Kumar (Standing Counsel for Central Government) [OPUC]
4. **Three CD Copies**

BSV
sree

HIGH COURT

DATED:08/05/2025

ORDER

IA No.2 OF 2025 in CMA.No.44 OF 2020



ALLOWING THE IA No.2 OF 2025