



IN THE HIGH COURT OF ORISSA AT CUTTACK

RVWPET No.06 of 2026

CNR No.ODHC010038172026

Union of India

....

Petitioner(s)

Ms. Pratima Nayak, CGC

-versus-

Pronab Phukan & Anr.

....

Opposite Party(s)

CORAM:

DR. JUSTICE SANJEEB K PANIGRAHI

ORDER

Order No.

14.08.2026

01.

I.A. No.22 of 2026

1. This matter is taken up through hybrid arrangement.
2. Heard.
3. This is an application under Section 5 of the Limitation Act for condoning the delay of 57 days in preferring the Review Petition.
4. Considering the submission made by the learned counsel for the Petitioner and the averments taken in the I.A., the delay in preferring the Review Petition is condoned.
5. Accordingly, the I.A. is disposed of.

RVWPET No.26 of 2026

6. In this instant application under Order XLVII Rule 1 read with Section 114 of the Code of Civil Procedure, 1908 (in short, the "CPC"), the Petitioner/ Union of India (hereinafter referred to as the "review



petitioner”) prays to review/recall the judgment dated 07.11.2025 passed by this Court in FAO No.20 of 2020.

7. In order to avoid confusion and for the sake of convenience, it is to be reminded that the review petitioner is the OP and the OPs herein are the petitioners in FAO No.20 of 2020, which has been decided by this Court in favour of the petitioners therein (OPs herein).
8. Since the facts involved in this case has been dealt with in extenso in the FAO, this Court does not feel it necessary to recapitulate/reiterate the same and confines itself to the grounds of review of the final order as advanced by the petitioner in the review petition. It appears that the petitioner seeks to review the aforesaid judgment on the ground that there is an error apparent on the face of record and thereby, there exists sufficient reason to review such order as passed in the FAO.
9. Heard Ms. Pratima Nayak, learned CGC appearing for the petitioner and perused the record.
10. It is apparent from the records that the review-petitioner has sought to review of the judgment on the ground that the compensation is payable as applicable on the date of incident with interest. In the present case, the date of incident is 25.01.2015. As such, the compensation should be as per the prescribed compensation as on the date of accident i.e. Rs.4,00,000/- along with a reasonable rate of



interest. In support of such contention, he placed reliance in the case of *Union of India v. Rina Devi*.¹

11. She further contends that prior to the 01.01.2017, the amount of compensation in a death case as laid down in Part-I of the Schedule of Rule-3 in Railway Accidents and Untoward Incidents (Compensation) Rules, 1990 was Rs.4,00,000/- and which was enhanced to Rs.8,00,000/- for the incident on or after 01.01.2017.
12. She further contends that the Opposite Parties are entitled to compensation of Rs.6,63,276/- (taking base amount of compensation Rs.4,00,000/-) with interest @ 6%) and as per the judgment of the Supreme Court, they are entitled to compensation of Rs.8,00,000/- in toto without any interest thereupon.
13. It is well settled of law that the power of review can also be exercised by the Court in the event discovery of new and important matter or evidence takes place which despite exercise of due diligence was not within the knowledge of the applicant or could not be produced by him at the time when the order was made. An application for review would also lie if the order has been passed on account of some mistake. Furthermore, an application for review shall also lie for any other sufficient reason.
14. It is well settled that the power of review can be exercised where there is an error apparent on the face of the record, or where material evidence or a binding legal provision has not been considered. Upon

¹ (2019) 3 SCC 572.



examination of the judgment dated 07.11.2025, in paragraph no.20, this Court observed as follows:

“The appellants are entitled to compensation of Rs.8,00,000/- (Rupees eight lakhs) with interest at 6% per annum from the date of filing of the claim application until payment. The respondent Railways shall deposit the amount before the Tribunal within three months, whereupon it shall be disbursed to the appellants in accordance with law.”

15. In view of the above, this Court is of the view that the present case falls within the permissible parameters of review jurisdiction. The omission has resulted in an erroneous decision in the FAO, warranting interference by this Court to the interest part of the compensation awarded which has been found place at paragraph 20 of the aforesaid judgment.
16. Accordingly, the Review Petition is allowed in part. The judgment dated 07.11.2025 passed in FAO No.20 of 2020 is hereby recalled and modified to the extent that the Appellants/claimants are entitled to compensation of Rs.8,0000/- (Rupees eight lakhs only). The Railways shall deposit the amount before the Tribunal within three months, whereupon it shall be disbursed to the Appellants/ Claimants in accordance with law.
17. The Tribunal is directed to release 50% of the awarded amount to the Appellants/ Claimants by way of account transfer or cheque and the rest of the amount to be kept in an interest bearing fixed deposit



account for a period of three years or subject to the order of the Tribunal.

18. Accordingly, this RVWPET is disposed of.

19. Issue urgent certified copy as per Rules.

(Dr. Sanjeeb K Panigrahi)
Judge

Murmu