

HIGH COURT OF JUDICATURE FOR RAJASTHAN
BENCH AT JAIPUR

S.B. Civil Miscellaneous Appeal No. 1922/2008

Union Of India through General Manager, West Central Railway,
Jabalpur.

Union of India, through General Manager, Western Railway,
Church Gate, Mumbai

----Appellant

Versus

Diwan Chand Manoj Kumar, Subzi Mandi, Bayana Rajasthan,
through its proprietor Mr. Manoj Kumar.

----Respondent

For Appellant(s)	:	Mr.Sanjay Mishra
For Respondent(s)	:	Mr.Ajay Shukla with Mr.Raghav Sharma

HON'BLE MR. JUSTICE RAVI CHIRANIA

Judgment

1.	Date of conclusion of Arguments	30.01.2026
2.	Date on which the judgment was reserved	30.01.2026
3.	Whether the full judgment or only operative part is pronounced	Full
4.	Date of pronouncement	05.02.2026

1. The instant appeal has been filed by the appellants-Union of India through General Manager, Western-Central Railway, challenging the order dated 30.11.2005 passed by learned Railway Claims Tribunal, Jaipur Bench (hereinafter referred to as '**learned Tribunal**' for short) in OA No.1/37/2005 titled M/s. Diwan Chand Manoj Kumar Vs. Union of India, whereby the original application filed by the respondent-applicant was allowed and the appellants-railway were directed to make a payment of Rs.20,596/- as

compensation along-with interest @ 6% per annum from the date of filing of the original application till the date of realization.

2. Learned counsel for the appellants submits that after receiving the cheque amount of Rs.1,820/- against the damage of goods the respondent-applicant filed the claim petition. In view of the receipt of the amount, the claim petition was not entertainable and the learned Tribunal has committed a serious mistake in entertaining the same and passing the impugned order dated 30.11.2005.

3. Learned counsel submits that the appellants-railway was responsible for transporting the goods and not for maintaining the quality of goods under transport. He, therefore, prayed that the impugned order dated 30.11.2025 being unreasonable, unjustified and hence deserves to be quashed and set aside and the appeal deserves to be allowed in transportation of the goods.

4. Per contra, learned counsel for the respondent - Mr. Ajay Shukla strongly opposed the submissions as made by learned counsel for the appellants-railway. Learned counsel submitted that though a cheque of Rs.1,820/- was given to him, however, the same was not accepted as it was not as per the loss which the respondent had suffered due to serious delay and negligence of the appellants.

5. Learned counsel further prayed that the cheque as given was not encashed, and therefore, the argument as raised by learned counsel for the appellants regarding non entertainability of the present appeal and the claim petition before the learned Tribunal is frivolous and baseless. He prayed that the learned Tribunal has not committed any mistake in passing the order dated 30.11.2005

and rightly awarded the compensation of Rs.20,596/- along-with interest @ Rs.6% per annum.

6. Heard learned counsel for the parties and perused the material available on record.

7. The appellants-railway is into commercial activity of transportation of goods and everyday transports huge quantity of goods from one place to another for which they take necessary charges. The railway is under obligation to transport and handover the goods in the proper condition. As far as the present appeal is concerned, the same has been filed by the appellants-railway challenging the petty compensation amount of Rs.20,596/- as awarded by the learned Tribunal to the respondent-applicant in respect of goods transported in the year 2002. For a petty amount, the appeal was filed in the year 2008, which is pending from last more than eighteen (18) years. The petty amount should have been paid at the relevant time by the appellants by setting the dispute by calculating the fair compensation amount, however, by giving challenge of meagre amount of Rs.1820/- as compensation amount, the appellants themselves have increased their liability for which they themselves are responsible.

8. As far as the grounds of appeal on which the present appeal has been filed, this Court noted that the learned Tribunal has not committed any mistake while passing the order dated 30.11.2005 and rightly awarded the sum of Rs.20,596/- as compensation **for not only not transporting the complete goods but also not transporting the perishable goods in a proper and right condition and also on time. Due to negligence appellants made the goods non-usable for the respondent.**

9. It is on account of the mistake and negligence of the appellants, the respondent-applicant suffered the loss, which he claimed by way of filing the original application before the learned Tribunal. The learned Tribunal rightly adjudicated the matter after framing the issues and after considering the relevant facts and other circumstances, the compensation amount was rightly assessed and awarded in favour of the respondent-applicant.

10. This Court also noted that the learned Tribunal did not accept the prayer for award of 18% interest and rightly awarded the interest @ 6 % per annum on the compensation amount.

11. Considering the overall facts and circumstances and noticing that for a petty amount of Rs.20,596/-, the instant appeal was filed in respect of goods which were transported in the year 2002, this Court finds no merits in the appeal and the same is dismissed accordingly.

12. No order as to costs.

13. All pending application(s), if any, stands disposed off.

(RAVI CHIRANIA),J