



2026:AHC:57963

HIGH COURT OF JUDICATURE AT ALLAHABAD

WRIT - C No. - 10604 of 2026

Kanta Devi And 4 Others

.....Petitioner(s)

Versus

Union Of India And Another

.....Respondent(s)

Counsel for Petitioner(s)	:	Shiv Babu Dubey
Counsel for Respondent(s)	:	A.S.G.I., Sunil Mishra

Court No. - 5

HON'BLE MANISH KUMAR NIGAM, J.

1. Heard Sri Shiv Babu Dubey, learned counsel for the petitioners, Sri Sunil Misra, learned counsel for the respondent and perused the record.

2. The solitary grievance of the petitioners is that only Rs. 80,000/- of the amount has been directed to be released in favour of the claimants/petitioners by the impugned award of the Railway Accident Claims Tribunal dated 24.12.2025 is inequitable, unjust and grossly inadequate. It defeats the purpose of award of compensation for death caused to the husband of the petitioner no.1 in a railway accident.

3. A perusal of the record reveals that in a railway accident occurred on 26.08.2022, husband of petitioner No. 1 and father of petitioner nos. 2 to 5 suffered fatal injuries and died on the spot. Arising therefrom, the petitioners instituted a claim petition on 18.03.2023 which has been decided on 24.12.2025, almost three years after the occurrence of the accident. Even then, by that award, the Tribunal has awarded Rs. 8,00,000/- (Rs. 6,00,000/- has been awarded to petitioner no. 1(wife) and Rs. 50,000/- each has been awarded to petitioner nos. 2 to 5 (sons of the deceased).

4. The Tribunal has provided for release of Rs. 80,000/- to the petitioners and the balance is to be deposited in Fixed Deposit for a period of three years.

5. Petitioners are aggrieved by the wholly inadequate amount directed to be released, in a mechanical manner. Looking at the total compensation awarded, a sum of Rs. 80,000/- would be released at present though the

petitioners claim that compensation of Rs. 8,00,000/- has been awarded. At present, the petitioners pray for release of at least seventy five per cent of the awarded amount to the petitioner no. 1 (wife) and fifty percent to petitioner nos. 2 to 5 (sons).

6. On the other hand, learned counsel for the Railways would submit that the order restraining release of ninety per cent of the award is only in the interest of the petitioners as they are likely to receive a higher amount after three years upon accrual of interest.

7. Having heard learned counsel for the parties and having perused the record, while there can be no dispute to the principle universally applied in such cases where part compensation amount is released at the time of the award being made and the balance amount is invested for the benefit of the claimants, at the same time, it cannot be applied as a rule of thumb in all cases. In that, individual facts and circumstances must dictate the exercise of discretion, in such matters. The claimant/petitioner no.1 who lost her husband and on who certain dependency may also be claimed cannot be forced to litigate for years to earn an award of compensation and then be made to wait for further years to receive that compensation owing to exercise of discretion by the Court, ostensibly in the interest of such claimants.

8. Therefore, the above principle invoked by the learned Tribunal must be blended with practicality so as to release a reasonable amount, keeping in mind the overall circumstances of the case.

9. In the present case, petitioner No. 1 is the wife of the deceased who is aged about 78 years and petitioner Nos. 2 to 5 are sons of the deceased. They have waited for three years from the occurrence of death for award of the compensation. The compensation awarded at the moment is also not excessive but a modest sum of Rs. 8,00,000/-.

10. Accordingly, the prayer made by learned counsel for the petitioners for release of at least seventy five per cent of the awarded amount to the petitioner no. 1 (wife) and fifty percent to petitioner nos. 2 to 5 (sons), is found to be wholly just and proper. Accordingly, the award dated 24.12.2025, shall stand modified.

11. Let 75% of the awarded amount i.e. Rs. 4,50,000/- along with proportionate interest be released in favour of the petitioner no. 1 (wife) and 50% of the awarded amount i.e. Rs. 25,000/- each to the petitioner nos. 2 to 5 (sons) within a period of four weeks from the date of production of certified copy of this order. The balance amount shall be invested and retained in highest bearing term deposit in a nationalized bank for a period of three years.

12. With the above observations, the present writ petition is **disposed of**.

13. It is made clear that any amount paid in compliance of the award may be adjusted against the amount to be released in pursuance of this order.

14. Also, this order has been passed independent of the right of the petitioners to claim enhancement, if advised.

(Manish Kumar Nigam,J.)

March 20, 2026
Ved Prakash