

**IN THE HIGH COURT OF ANDHRA PRADESH, AMARAVATI**

M.A.C.M.A.No. 1970 of 2006**Between:**

1. The State of Andhra Pradesh,
Represented by the District Collector, Anantapur.
2. The District Medical & Health Officer, Anantapur.
3. Medical Officer, Modified Leprosy Centre,
Unit (M.L.C.Unit), Dharmavaram.
... Appellants/Respondent Nos.1 to 3

And

1. P.Radha, W/o.I.Bhaskara Rao, Hindu, Aged 34 years,
D.No.2/146, II Road, Anantapur.
2. I.Raga Sudha, D/o.I.Bhaskara Rao, aged 26 years,
D.No.2/146, II Road, Anantapur.
3. I.Phani Raghava, S/o.I.Bhaskara Rao, Aged 25 years,
D.No.2/146, II Road, Anantapur.
4. I.Sudheer Kumar, S/o.I.Bhaskara Rao, aged 23 yrs,
D.No.2/146, II Road, Anantapur.
5. I.Sai Vijaya Chandrika, D/o.I.Bhaskara Rao,
Aged 4 years, D.No.2/146, II Road, Anantapur.
.... Respondents/Petitioners
(R.2 to R.4 are declared as majors and discharged from the
guardianship of R.1 as per orders dt.22.08.2008 in
M.A.C.M.A.M.P.No.5024 of 2008)
6. General Manager, Southern Railway, Bangalore.
.... Respondent/Respondent No.4

DATE OF JUDGMENT PRONOUNCED: **15.06.2023****SUBMITTED FOR APPROVAL:****THE HON'BLE SRI JUSTICE DUPPALA VENKATA RAMANA**

1. Whether Reporters of Local Newspapers
may be allowed to see the judgment? Yes/No
2. Whether the copies of judgment may be
marked to Law Reporters / Journals? Yes/No
3. Whether His Lordship wish to
see the fair copy of the Judgment? Yes/No

DUPPALA VENKATA RAMANA, J



*** THE HON'BLE SRI JUSTICE DUPPALA VENKATA RAMANA**

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6. General Manager, Southern Railway, Bangalore.
.... Respondent/Respondent No.4

! Counsel for Appellants : Government Pleader
for Arbitration

^ Counsel for Respondents 1 to 5 : Sri O.Uday Kumar

< Gist:

> Head Note:

? Cases referred:

1. 2017 ACJ 2700 (SC)
2. 2009 ACJ 1298 (SC)
3. 2018 ACJ 2782 (SC)
4. 2012 SCC Online Del = 2014 ACJ 1540

This Court made the following:

**THE HON'BLE SRI JUSTICE DUPPALA VENKATA RAMANA****M.A.C.M.A.No. 1970 of 2006****JUDGMENT:**

This appeal under Section 173 of the Motor Vehicles Act, 1988 (for short "the Act") has been preferred by the Appellant Nos.1 to 3/State, represented by the District Collector, Anantapur, District Medical & Health Officer and Medical Officer of Anantapur District, challenging the Award dated 11.10.2004 delivered by the Motor Accidents Claims Tribunal-cum-Additional District Judge, Anantapur (for short "the Tribunal"), in O.P.No.78 of 1999 granting compensation of Rs.6,35,000/- along with interest @ 9% per annum from the date of the petition till the date of realization with proportionate costs against the Respondents 1 to 4 in the claim petition, jointly and severally, on account of the death of the deceased-Bhaskara Rao, who died while proceeding near level crossing No.77 in between Penugonda and Chakarlappalli, Anantapur District on 11.09.1995.

2. For the sake of convenience, the parties are hereinafter referred to as they are arrayed before the Tribunal in the claim petition.



3. The concised facts in the claim petition, relevant for the determination of the appeal are as under:

(a) A 43 years old I.Bhaskara Rao, was a Non-Medical Supervisor in Leprosy Control Unit at Dharmavaram and at the time of his death, he was drawing salary of Rs.6,250/- per month. On 11.09.1995 at about 3.10 p.m., while the deceased was travelling in a Government Jeep bearing No.AHS 2118 along with the other employees of the Unit towards Madakasira and when the Jeep was passing through the level crossing No.77 in between Penugonda and Chakarlapalli, suddenly the passenger train bearing No.282 came from Penugonda side to go to Bangalore dashed against the Jeep which was on the railway track, and on account of the same eight persons died instantaneously including the deceased and the Government Jeep No.AHS 2118 was entirely damaged.

(b) On the same day, the matter was reported to Railway Police by Sreerama Reddy, Station Master, on duty, South Central Railway, Hindupur, alleging that the accident took place at Level Crossing Gate No.77 between Penugonda and Chakarlapalli, as a result, the passenger train No.282 dashed against the Jeep and all the eight members in the Jeep died on



the spot. Based on the said report, a case in Crime No.61 of 1995 was registered under Section 304-A IPC.

(c) On account of the death of the deceased-Bhaskara Rao, the 1st petitioner-wife and Petitioners 2 to 5 - minor children i.e., two daughters and two sons filed a petition before the Tribunal, claiming compensation of a sum of Rs.12,00,000/-.

(d) Respondents 1 and 3 filed a memo adopting the written statement of the 2nd respondent. Respondent No.4 did not contest the matter.

(e) The 2nd respondent filed a written statement contending *inter alia* that the petition is not maintainable either under law or on facts. It is further averred that there is no rash and negligent driving of the driver of the Jeep bearing No.AHS 2118 and that the alleged accident occurred due to negligence on the part of the Railway Gate man (Gate Keeper), who was the employee of the 4th respondent and was on duty and that he did not take effective steps in manning the level crossing gate at the spot in question. It is further averred that they have filed a suit in O.S.58 of 1997 claiming damages for the Jeep bearing No.AHS 2118 caused in the accident against the 4th respondent/Railways and the learned Senior Civil Judge, Anantapur, passed a decree dt.01.05.1998 for a sum of



Rs.3,00,000/- with costs and interest thereon. It is further averred that the petitioners are put to strict proof that the deceased was aged about 43 years at the time of the accident. It is further averred that the amount claimed by the petitioners is excessive and prayed to dismiss the petition.

(f) In view of the pleadings of the parties, the Tribunal framed the following issues:

- (1) *Whether the accident occurred on 11.09.1995 due to the rash and negligent driving of the Jeep bearing No.AHS 2118 by its driver, hit by the passenger train and caused the death of the deceased?*
- (2) *Whether the petitioners are entitled to compensation, if so, to what amount and from which respondent?*
- (3) *To what relief?*

(g) In order to establish the claim of the petitioners, at the time of enquiry, P.Ws.1 and 2 were examined and Exs.A.1 to A.4 were got marked on behalf of the petitioners. R.P.Narayana, who was working as a Senior Assistant in M.L.C.Unit, Dharmavaram, was examined as R.W.1 and no documents were marked on behalf of the respondents.

(h) The Tribunal, after analyzing the entire evidence on record, passed an award for a sum of Rs.6,35,000/- as compensation. The breakup details of the compensation awarded by the Tribunal, are tabulated hereunder:



S.No.	Head of Compensation	Amount of compensation awarded in Rs.
1	Loss of earnings	5,69,000/-
2	Loss of consortium	15,000/-
3	Loss of Estate	10,000/-
4	Funeral expenses	1,000/-
5	Loss of love and affection	40,000/-
	Total	6,35,000/-

(i) Aggrieved by and dissatisfied with the quantum of compensation awarded by the Tribunal, Respondents 1 to 3/State, being appellants herein have challenged the said award on the following grounds:

(i) The Tribunal ought to have seen that the 6th respondent/Railways remained *ex parte* and in the absence of any contrary evidence to that of the appellants, the 6th respondent alone is liable to pay the compensation.

(ii) The Tribunal erroneously held that the Respondents 1 to 4/appellants & 6th respondent are jointly and severally liable to pay the compensation.

(iii) The Tribunal ought to have considered the fact that the Government provided job to the wife of the deceased and she is working in Sub-Registrar's Office, Anantapur and she got all the pensionary benefits etc., for the death of the deceased-husband and the impugned order passed by the Tribunal is



devoid of merits and is liable to be set aside against the Respondents 1 to 3/appellants.

4. Learned counsel for the appellants would submit that the Railway Authorities, shall from time to time, assure the public to take immediate steps to avoid the accidents at the aforesaid level crossing and that the Railway Authorities have committed deliberate negligence in not taking steps to avoid the accidents. Further, he would submit that it is ultimately found that there is no negligence on the part of the driver of the Jeep bearing No.AHS 2118 or there is no defect in the vehicle but the accident is due to the sole negligence of the employee of the 4th respondent/Railways and the passenger train hit the Jeep and caused the accident due to which the inmates of the Jeep died on the spot. Viewed from any angle, the 4th respondent/Railway Authorities alone are liable to pay the compensation.

5. Learned counsel for the Respondents 1 to 5/Claimants would submit that there was negligence on the part of the employee of the 4th respondent/Railways and the driver of the Jeep. He would further submit that there was a Gateman (Gate Keeper) at the railway level crossing and he was responsible to close the gate on receipt of information that the train was passing. Further, he would submit that the accident was the



direct result of failure of the Gateman to close the level crossing and at the same time, the driver of the Jeep has also not taken care in driving the same while crossing the gate. When the passenger train was not far away at the railway gate and both the driver of the Jeep and the Gateman, who was posted to maintain the level crossing, are responsible for the accident. Therefore, Respondents 1 to 4/appellants & 6th respondent are liable to pay the compensation. He would further submit that if the employee of the 4th respondent would have discharged his duties properly, the accident could not have occurred. Similarly, if the driver of the Jeep has observed while crossing the railway gate the movements of the train, the accident would not have occurred. Further, he would submit that there was a deliberate negligence on the part of the Railway Gate Keeper and on the part of the driver of the Jeep. It is clearly established that there was contributory negligence on their part. Further, he would submit that the learned Tribunal awarded compensation which is not in accordance with the Apex Court's Judgments for loss of dependency and conventional heads. Hence, the Respondents 1 to 5/Claimants are entitled to more compensation than the awarded.



6. Learned Standing Counsel for the 6th respondent herein/Railways submitted that the Railway Authorities have taken steps to avoid the accidents and besides the manned gate, the Railway Authorities have taken steps by arranging a caution board indicating that there was a manned level crossing. He would further contend that nearby the level crossing, the speed breakers are existing. Further, he would submit that, if the driver of the Jeep had taken precaution while crossing railway gate, the accident would not have occurred. Therefore, the 6th respondent/Railways is not liable to pay compensation and may be exonerated from its liability.

7. Now the points that arise for consideration in this appeal are:

- “1. *Whether there was any exclusive negligence on the part of the employee/gateman of the Railways or the accident had arisen only on the account of negligence of the driver of the Jeep bearing No.AHS 2118?*
2. *Whether the compensation awarded by the Tribunal is just and reasonable, in the facts and circumstances of the case, or requires interference of this Court for enhancement?”*

8. Considered the submissions of the learned counsels, perused and assessed the entire evidence including the exhibited documents available on record.



9. A perusal of the impugned award would show that the Tribunal has framed the Issue No.1 as to whether the accident occurred on 11.09.1995 due to the rash and negligent driving of the Jeep bearing No.AHS 2118 by its driver hit by the passengers train and caused the death of the deceased to which the Tribunal, after considering the evidence of the witnesses coupled with the documentary evidence, has categorically observed in its judgment at Para No.8 that the accident occurred on account of the rash and negligent driving of the Jeep bearing No.AHS 2118 by its driver and the employee(Gate Keeper) of the 4th respondent/Railway Administration. Therefore, this Court is of the view that there is no reason to interfere with the findings of the Tribunal that the alleged accident occurred due to the rash and negligent driving of the Jeep bearing No.AHS 2118 by its driver and also the deliberate negligence on the part of the employee (Gate Keeper) of the 4th respondent/Railway Administration.

10. On perusal of the evidence and the documents available on record, admittedly, when the driver of the Jeep reached the railway crossing, they found that the gate was opened and there was no danger signal warned the public of a danger of any approaching train. In fact, when the driver of the Jeep entered



the gate, suddenly, the passenger train came and hit the Jeep and the driver of the Jeep could not avert the collision. The passenger train dashed the Jeep and the eight inmates of the Jeep died on the spot. Further, there was a manned public level crossing with the iron gates on the both sides of the road. There was a cabin for the gateman (gate keeper). The practice of the Railways was to close the level crossing gates when the train was crossing. A red light signal was also provided to warn the approaching public and the vehicles to wait till the train had passed.

11. Unfortunately, the gate keeper did not close the gate, as was his duty. The duty of the gate keeper stationed by the Railway Authorities at a level crossing is to prevent traffic and vehicular and the pedestrians from passing when the train is approaching. This duty was neglected by the gate keeper on the fateful day. The driver of the Jeep thought that the lines were clear. On the day of accident, the gates were not closed when the Jeep entered the level crossing and that the accident occurred. It clearly proves that the gateman (gate keeper) of the Railway Administration (4th respondent) and the driver of the Jeep bearing No.AHS 2118 are responsible for the accident, as stated in the pleadings as well as in the evidence of R.W.1. It is



unfortunate that when the driver of the Jeep entered the gate, suddenly, he found passenger train and with all his presence of mind, the driver could not avert the collision, as a result, the inmates of the Jeep (8 persons) died on the spot. If the gateman of level crossing or the driver of the Jeep would be vigilant, the accident would not have occurred. Therefore, the employee of the Railways was, no doubt, negligent in not closing the gate to warn the public of the approaching the train but the driver of the Jeep was all the more negligent in not having a proper lookout from both the sides of the road at the level crossing in question, as such the accident occurred. Therefore, both 6th respondent herein/Railway Administration and appellants are guilty of the contributory negligence and are liable to pay the compensation. This Court is of the anxious consideration for fixing the liability against the appellants/State and 6th respondent/Railway Administration.

12. The Motor Vehicles Act is a beneficial legislation aimed at providing relief to the victims or their families, in cases of genuine claims. In the present case, there was no clarity in respect to the principles on which the compensation could be awarded by following Apex Court's judgments.



13. So far as the quantum of compensation awarded by the Tribunal is concerned, it is not justified, contra to the judgment of the Hon'ble Supreme Court in **National Insurance Company Vs. Pranay Sethi**¹ for awarding compensation towards the loss of earnings and other conventional heads.

14. The Hon'ble Supreme Court of India in **Sarla Verma Vs. Delhi Transport Corporation**², in Para 9 held as follows:

9. Basically only three facts need to be established by the claimants for assessing compensation in the case of death : (a) age of the deceased; (b) income of the deceased; and (c) the number of dependents. The issues to be determined by the Tribunal to arrive at the loss of dependency are (i) additions/deductions to be made for arriving at the income; (ii) the deduction to be made towards the personal living expenses of the deceased; and (iii) the multiplier to be applied with reference of the age of the deceased. If these determinants are standardized, there will be uniformity and consistency in the decisions. There will lesser need for detailed evidence. It will also be easier for the insurance companies to settle accident claims without delay.

15. The deceased was a salaried employee and was between the age group of 41 – 45 years by the date of accident, as per Exs.A.1 to A.3 i.e., FIR, Inquest and Post Mortem Certificate and the age of the deceased is consistent that he was aged '43' years. Therefore, the Tribunal has taken the age of the deceased as '43' years. An addition of 30% of his actual salary has to be added towards future prospects for assessment of his income as per

¹ 2017 ACJ 2700 (SC)

² 2009 ACJ 1298 (SC)



the guidelines laid down in *Pranay Sethi's case* wherein, at Para 59.3, it was held as follows:

“While determining the income, an addition of 50% of actual salary to the income of the deceased towards future prospects, where the deceased had a permanent job and was below the age of 40 years, should be made. The addition should be 30%, if the age of the deceased was between 40 to 50 years. In case the deceased was between the age of 50 to 60 years, the addition should be 15%. Actual salary should be read as actual salary less tax.”

16. In view of the principles laid down in *Pranay Sethi's case* (supra), the Tribunal ought to have added 30% of his actual income towards future prospects for the determination of his income. But, the Tribunal committed an error in not taking into consideration of future prospects.

17. The Tribunal further committed an error in applying the multiplier '11.38' in contrary to the judgment of *Sarla Verma's case* (supra), wherein, the loss of dependency was thus re-assessed as under.

*21. We therefore hold that the multiplier to be used should be as mentioned in column (4) of the Table above (prepared by applying *Susamma Thomas, Trilok Chandra and Charlie*), which starts with an operative multiplier of 18 (for the age groups of 15 to 20 and 21 to 25 years), reduced by one unit for every five years, that is M-17 for 26 to 30 years, M-16 for 31 to 35 years, M-15 for 36 to 40 years, **M-14 for 41 to 45 years**, and M-13 for 46 to 50 years, then reduced by two units for every five years, that is, M-11 for 51 to 55 years, M-9 for 56 to 60 years, M-7 for 61 to 65 years and M-5 for 66 to 70 years.*



18. Evidently, the deceased was survived by his wife, two minor sons and two minor daughters. Therefore, the number of his dependent family members is 'five'. The Hon'ble Supreme Court in *Sarla Verma's* case (supra) held that the deduction towards personal and living expenses should be $1/4^{\text{th}}$. The observation of the Hon'ble Apex Court in *Sarla Verma's* case is as under:

*"14. Though in some cases the deduction to be made towards personal and living expenses is calculated on the basis of units indicated in Trilok Chandra, the general practice is to apply standardized deductions. Having considered several subsequent decisions of this court, we are of the view that where the deceased was married, the deduction towards personal and living expenses of the deceased, should be one-third ($1/3^{\text{rd}}$) where the number of dependent family members is 2 to 3, **one-fourth ($1/4^{\text{th}}$) where the number of dependant family members is 4 to 6**, and one-fifth ($1/5^{\text{th}}$) where the number of dependant family members exceed six."*

19. The Tribunal, while assessing the compensation payable to the claimants, took into consideration of the Last Pay Certificate (Ex.A.4) of the deceased for the month of August, 1995, which shows the monthly salary last drawn by the deceased was Rs.6,250/-. By the date of accident i.e., 11.09.1995 the deceased was a permanent employee of State Government. An addition of 30% of his actual salary is added towards future prospects for the assessment of his income and said 30% of his actual salary



is worked out at Rs.1,875/- (Rs.6,250 x 30% = Rs.1,875/-). The total monthly income of the deceased is thus worked out to Rs.8,125/- (Rs.6,250/- + Rs.1,875/-). Thereafter, 1/4th of the said amount has to be deducted towards his personal and living expenses. The said 1/4th of the monthly income is worked out to be Rs.2,031.25 p.s., (Rs.8,125 x ¼ = Rs.2,031.25) which is rounded to Rs.2,031/-. After deducting the said amount from his monthly income towards living and personal expenses, the monthly income of the deceased comes to Rs.6,094/- (Rs.8,125 – Rs.2,031) and the annual income of the deceased is worked out at Rs.6,094 /- x 12 = Rs.73,128/-. Since the deceased was 43 years old at the time of his death, the multiplier of '14' is applied for assessment of loss of dependency as per the judgment of the Hon'ble Supreme Court in the case of *Sarla Verma (supra)* and the loss of dependency is assessed to be Rs.73,128/- x 14 = Rs.10,23,792/-.

20. This Court finds that the Tribunal has not awarded appropriate compensation towards future prospects and loss of dependency. A reading of the Tribunal's award makes it clear that the Tribunal's approach does not accord at all with the current judicial opinion. Therefore, the claimants are entitled to



a sum of Rs.10,23,792/- under the head of 'Loss of Dependency' which would be substantive.

21. The Tribunal has committed an error while awarding compensation under conventional heads viz., loss of estate, loss of consortium and funeral expenses, contrary to the principles laid down in *Pranay Sethi's* case (supra) and in ***Magma General Insurance Company Ltd., Vs. Nanu Ram @ Chuhru Ram and others***³.

Funeral expenses:

22. Under this conventional head the Tribunal wrongly awarded a sum of Rs.1,000/- towards funeral expenses. The same is enhanced from Rs.1,000/- to Rs.15,000/- (as per the decision of the Constitution Bench in *Pranay Sethi's* case).

Loss of Estate:

23. Under this conventional head the Tribunal wrongly awarded a sum of Rs.10,000/- towards loss of estate. The same is enhanced from Rs.10,000/- to Rs.15,000/- (as per the decision of the Constitution Bench in *Pranay Sethi's* case).

Loss of Consortium:

24. Under this conventional head, the Tribunal wrongly awarded a sum of Rs.15,000/- towards consortium to the 1st

³ 2018 ACJ 2782 (SC)



petitioner/wife, which is not in conformity with the judgment of the Hon'ble Apex Court in *Pranay Sethi's* case. The same is enhanced from Rs.15,000/- to Rs.40,000/- to the 1st petitioner/wife.

25. The Motor Vehicles Act is a beneficial legislation aimed at providing relief to the victims or their family members, in cases of genuine claims. In pursuance of the decision of the Hon'ble Apex Court in *Magma case* (supra), the four children of the deceased (Respondents 2 to 5) are entitled to the parental consortium @ Rs.40,000/- each for the loss of the parental aid, protection, affection, society, discipline, guidance and training instead of compensation under the head of 'loss of love and affection'. Therefore, the minor children/Respondents 2 to 5 are entitled to Rs.40,000/- each under parental consortium, which would be arrived at Rs.1,60,000/- (Rs.40,000/- x 4 = Rs.1,60,000/-).

26. In *Sarla Verma's* case (supra) the Hon'ble Apex Court, while elaborating the concept of 'just compensation' observed as under:

"Just compensation is adequate compensation which is fair and equitable, on the facts and circumstances of the case, to make good the loss suffered as a result of the wrong, as far as money can do so, by applying the well settled principles relating to award of compensation. It is



not intended to be a bonanza, largesse or source of profit.”

27. In view of the ratio decided by the Hon'ble Apex Court in the decision supra, and the calculations made there-above, the total compensation payable to the Respondents 1 to 5/claimants, is re-assessed as under.

S.No.	Heads of Compensation	Amount of compensation awarded
1	Loss of Dependency	Rs. 10,23,792.00 (Rs.6,094 /- x 12 = Rs.73,128/- x 14 = Rs.10,23,792/-)
2	Loss of Estate	Rs. 15,000.00
3	Funeral Expenses	Rs. 15,000.00
4	Loss of Consortium To the wife and four minor children of the deceased 40,000 x 5	Rs. 2,00,000.00
	Total	Rs. 12,53,792.00
	(-) Compensation awarded By the Tribunal	Rs. 6,35,000.00
	Enhanced amount	Rs. 6,18,792.00

28. In the present case, though the claimants did not file any cross-objections, it is well-settled that Order XLI Rule 33 CPC empowers the Appellate Court to grant relief to a person, who is neither appealed nor filed any cross-objections. The object of this provision is to do complete justice between the parties. In ***National Insurance Company Limited Vs. Komal and others***⁴ it is crystal clear that under Order XLI Rule 33 CPC,

⁴ 2012 SCC Online Del 2442 = 2014 ACJ 1540



the Appellate Court has the power to enhance the compensation even in the absence of any appeal/Cross Objections. Para No.12 of the decision reads as follows:

“12. [Section 168](#) of the Motor Vehicles Act, 1988 empowers the Court to award such compensation as appears to be just which has been interpreted to mean just in accordance with law and it can be more than the amount claimed by the claimants. The provisions of the [Motor Vehicles Act](#), 1988 are clearly a beneficial legislation and hence should be interpreted in a way to enable the Court to assess just compensation. The scope of Order XLI Rule 33 of the Code of Civil Procedure and the power of the High Court to enhance the award amount in accident cases in the absence of cross-objections has been discussed by the Supreme Court in [Nagappa v. Gurudayal Singh](#), AIR 2003 SC 674 where the Apex Court has held that the Court is required to determine just compensation and there is no other limitation or restriction for awarding such compensation and in appropriate cases wherefrom the evidence brought on record if the Tribunal/Court considers that the claimant is entitled to get more compensation than claimed, the Tribunal may pass such award and would empower the Court to enhance the compensation at the appellate stage even without the injured filing an appeal or cross-objections.”

29. Under the above provisions of the Motor Vehicles Act, 1988, there is no restriction that the compensation could be awarded only upto the amount claimed by the claimants. In an appropriate case, where from the evidence brought on record, if the Tribunal/Court considers, the claimant is entitled to get



more compensation than the claimed. Following the guidelines in the decisions supra, this Court is of the view that the claimants are entitled to enhance the compensation at the appellate stage even without the filing an appeal or cross-objections.

30. Therefore, in view of the foregoing discussion, this Court is of the opinion that the award passed by the Tribunal warrants interference to enhance the compensation from Rs.6,35,000/- to Rs.12,53,792/-.

31. For the reasons as aforesaid, the appeal preferred by the appellants is hereby dismissed and the compensation amount is enhanced from Rs.6,35,000/- to Rs.12,53,792/- along with interest @ 9% per annum and costs from the date of filing of the claim petition till realization, against Appellants 1 to 3 and 6th Respondent(General Manager, Southern Railways, Bangalore). The Appellants 1 to 3 and 6th Respondent(General Manager, Southern Railways, Bangalore) are directed to deposit 50% (Rs.6,26,896/-)each of the compensation amount (Rs.12,53,792/-) within two months from the date of this judgment, failing which execution can be taken out against them.



(ii) The claimants are directed to pay the requisite Court-fee in respect of the enhanced amount awarded over and above the compensation claimed by them.

(iii) On such deposit, the claimants are permitted to withdraw the amount with accrued interest and costs as apportioned by the Tribunal, by filing proper application before the Tribunal.

(iv) The impugned award of the learned Tribunal stands modified to the aforesaid extent and in the terms and directions as above.

(v) The record be sent back to the Tribunal within three weeks from this day.

(vi) As a sequel, interlocutory applications pending for consideration, if any, shall stand closed.

JUSTICE DUPPALA VENKATA RAMANA

15.06.2023

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HON'BLE SRI JUSTICE DUPPALA VENKATA RAMANA

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