

HONOURABLE Dr. JUSTICE B. SIVA SANKARA RAO

M.A.C.M.A.No.585 OF 2008

JUDGMENT:

The 3rd respondent-Insurer among the three respondents including the driver and owner of the jeep bearing No.AP-1-T-5633 in O.P.No.173 of 2006 on the file of the learned Chairman of the Motor Accidents Claims Tribunal-cum-II Addl. District Judge, Karimnagar at Jagtial, (*for short, 'Tribunal'*), filed u/s. 166 of the Motor Vehicle Act,1988 (*for short, 'the Act'*), maintained by the two claimants no other than the parents of the deceased by name Sagarika in the motor accident dated 06.10.2005 aged about 18 years or so from the alleged rash and negligent driving of the driver of the jeep belongs to the claim petition 1st respondent when she was on foot proceeding to college resulting her sustaining of serious injuries and succumbed while undergoing treatment on the same day, from the claim maintained of Rs.4,00,000/- since the tribunal awarded Rs.2,27,000/- with interest at 7.5%with joint liability by award dated 09.02.2007, impugning the said quantum as exorbitant and excessive and to reduce the same.

2. Whereas, it is the contention of the learned counsel for the claimants-respondents 1 and 2 herein, for R.3 driver of the jeep remained exparte even before the tribunal and R.4-owner stated not necessary party to appeal even contested before the lower Court, that the tribunal can award without even cross-objections as what is laid down by the Apex Court in Nagappa Vs. Gurudayal Singh¹ reiterated in APSRTC Vs. M.Ramadevi², and thereby fix just compensation and what was awarded by the tribunal is utterly low and thereby allow the appeal

¹ AIR 2003 SC 674

² AIR 2007 SC 1221

as prayed for if at all subject to a direction to pay deficit court fee under Rule 475 of the APMV Rules.

3. Heard and perused the material on record.

4. In the expression Nagappa supra, what is laid down is irrespective of what is claimed, the compensation to be awarded is a just compensation and referred the same in Ramadevi supra, without laying down any principle what was observed is the amount of Rs.2,60,000/- just compensation than what was awarded of Rs.2,00,000/- in so awarding by the Apex Court. The Apex Court did not say that without cross-objections even the claimants can ask for enhancement of the compensation awarded by the tribunal. In fact, the law is fairly settled from the expression of the Apex Court in Oriental Insurance Company Limited Vs. R.Swaminathan³ referring to earlier expressions of the Apex Court and by reiterating the same in Ranjana Prakash Vs. Divisional Manager⁴, that the respondents to the appeal-the claimants who did not file any cross-objections, not entitled to any higher relief than what was awarded, even any finding of the tribunal not sustainable, if not on that ground not entitled, they are entitled to support the quantum arrived or the relief granted even on other grounds, from the entire appeal is at large though appeal maintained is of limited area of the claim. Thus, the law is fairly settled that beyond what was awarded by the tribunal in the event of no cross-objections of claimants as respondents to the appeal as not entitled to higher compensation even from what laid down of just compensation to award as before the tribunal more than what was claimed and not before the appellate Court without cross-objections, hence there is nothing to

³ (2006) ACJ 1398

⁴ 2011 (4) T.A.C. 11 (SC).

enhance the compensation awarded by the tribunal which no way requires interference much less to reduce.

5. In the result, the appeal is dismissed. There is no order as to costs. Miscellaneous petitions, if any pending in this appeal, shall stand closed.

Dr. B. SIVA SANKARA RAO, J

Date: 16.09.2016
Vvr

