

HON' BLE Dr. JUSTICE B. SIVA SANKARA RAO

MACMA No. 4464 of 2008

JUDGMENT :

The injured-claimant preferred this appeal impugning the award dated 25.08.2005 in O.P. No.430 of 2004 on the file of Chairman, Motor Accidents Claims Tribunal, Rajahmundry, East Godavari District in which the appellant claimed a compensation of Rs.1,50,000/- from the 1st respondent, driver, 2nd respondent, owner and the 3rd respondent, insurer for the accident occurred on 18.08.2004. Respondents 1 and 2 remained exparte and the 3rd respondent-insurer contested the matter and the Tribunal awarded as prayed for, having arrived even the compensation what the claimant entitled arrived even of Rs.1,98,936/-.

2) Heard and perused the material on record.

3) The law is fairly settled including of the Apex Court in *Rajesh v. Rajbir Singh*¹ that what the appellant is entitled is just compensation and not to confine to what is claimed, but for if at all for any liability to ask for payment of the deficit Court fees. Once the Tribunal arrived the compensation, it could not have been reduced.

¹ 2013 ACJ 1403=(4)ALT-35(SC).

4) In the result, the appeal is allowed by enhancing the compensation from Rs.1,50,000/- to Rs.1,98,936/- (what the Tribunal arrived) subject to payment of Court Fees before the Tribunal within one month from the date of receipt of this order. It is made clear that without payment of deficit Court fees under Rule 475 of A.P. M.V. Rules, the claimant cannot execute the award. Rest of the terms of the award of the Tribunal holds good. There shall be no order as to costs. Pending miscellaneous petitions, if any, in both the appeals shall stand cancelled.

06.09.2016
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Dr. B. SIVA SANKARA RAO, J