APHC010545552012

IN THE HIGH COURT OF ANDHRA PRADESH
AT AMARAVATI [3605]
(Special Original Jurisdiction)

FRIDAY, THE 11th DAY OF SEPTEMBER 2026

PRESENT

THE HONOURABLE SRI JUSTICE ALAPATI GIRIDHAR

MOTOR ACCIDENT CIVIL MISCELLANEOUS APPEAL NO: 2289/2012

Between:

1. ANDHRA PRADESH STATE ROAD TRANSPORT CORPORATION, REPRESENTED BY ITS MANAGING DIRECTOR, MUSHEERABAD, HYDERABAD.

...APPELLANT

AND

1. VELLANKI LAKSHMI, W/O. VELLANKI SEETARAMAIAH, HOUSEWIFE, R/O. PLOT NO. 60, MARUTHI COLONY, PATAMATA,
2. VELLANKI NAGA SWARAJYA LAKSHMI, W/O. VELLANKI VENKATESWARA RAO, EMPLOYEMENT, R/O. PLOT NO. 60, MARUTI COLONY, PATAMATA,
3. VELLANKI KUSALAVA CHOWDARY, S/O. VENKATESWARA RAO, R/O. PLOT NO. 60, MARUTI COLONY, PATAMATA,
4. VELLANKI RAAGA SUVARCHALA, D/O. VENKATESWARA RAO, STUDENT, R/O. PLOT NO. 60, MARUTI COLONY, PATAMATA,
5. BODDU YESUPADAM, S/O. JOHN, DRIVER,APSRTC CITY BUS NO. AP 9Z 3883, ROUTE NO. 8-B, R/O. VELLATUR, KRISHNA DISTRICT. (5TH RESPONDENT NOT NECESSARY PARTY)

...RESPONDENT(S)

Counsel for the Appellant:

1. P VENKATA RAO SC For APSRTC

Counsel for the Respondent(S):

1. .
2. UMADEVI MANCHALA

THE HON'BLE SRI JUSTICE ALAPATI GIRIDHAR

M.A.C.M.A.No.2289 of 2012

The Court made the following JUDGEMENT:

1. The Appeal is filed by the A.P.S.R.T.C challenging the award of the Motor Accident Claims Tribunal-cum-II Additional District Judge, Vijayawada, dated 25.02.2006 in M.V.O.P.No.767 of 2002**,** assailing the quantum of compensation.

I. CONTENTIONS OF THE PARTIES:

2. The learned counsel for the Appellant/APSRTC submits that the Tribunal committed an error in assessing the monthly income of the deceased at Rs.5,900/- merely on the basis of the salary certificate without examining any competent authority from the concerned college to prove the salary certificate. That the Tribunal erred in applying the multiplier of '15', according to the learned counsel, the age of the deceased was 42 years and, therefore, the appropriate multiplier is '14', and prayed for modification of the award by reducing the quantum of compensation for the aforesaid reasons.

3. Per contra, the learned counsel for the Claimants submits that the Tribunal was justified in assessing the income of the deceased at Rs.5,900/- per month. The Tribunal rightly relied on the evidence of PW3, who was working as an Office Assistant in the College, and who deposed on the aspects of employment, income of the deceased, service and salary certificates.

4. The learned counsel for the Claimants fairly submits that, having regard to the age of the deceased, the applicable multiplier is '14'.

5. The learned counsel further contended that, though the Claimants have not preferred any Appeal or Cross Objection, this Court, for determining just compensation, is empowered to correct an error committed by the Tribunal and to award just compensation in accordance with law, and submits that the Claimants are entitled to future prospects at the rate of 40%, considering the permanent nature of the employment of the deceased. It is also submitted that the Tribunal erroneously deducted 1/3rd of the income of the deceased towards his personal and living expenses, whereas the Claimants are four in number and, therefore, only 1/4th ought to have been deducted under that head, and prayed to enhance the compensation.

II. ANALYSIS:

6. The case of the Claimants is that they are the mother, wife, son and daughter of Vellanki Venkateswara Rao/deceased. That on 24.11.2001, the said Venkateswara Rao was proceeding on his bicycle, near Brother's Ice Parlour, Benz Circle, when the Respondent No.1 drove the offending APSRTC Bus/ AP 9 Z 3883 in a rash and negligent manner, and dashed it against the said bicycle on its back, he sustained grievous injuries and succumbed to the injuries on the spot. In this regard, Crime No.581 of 2001 was registered against the Respondent No.1. The Claim is filed for Rs.7,10,000/-.

7. The 1st Respondent did not file counter. The 2nd Respondent filed counter denying the material averments of the Claim Petition, including the manner of the accident and the negligent driving of the 1st Respondent. Also pleaded that there was no rash and negligent driving of the 1st Respondent, but the negligent riding of the bicycle by the said Venkateswara Rao/deceased was the cause for the accident, that they are not liable to pay compensation, and prayed to dismiss the Claim.

8. As the case is not settled, the Tribunal framed the following points for determination:

1. Whether the deceased died in the motor accident due to rash and negligent driving of the *offending* crime vehicle by the 1st Respondent?

2. What is the age and income of the deceased on the date of the accident?

3. Whether the petitioner is entitled to compensation? If so, to what amount and from whom?

4. To what relief?

9. In the Tribunal, the Claimants examined the evidence of PW.1 to 3, PW.1: V.N.S.Lakshmi, PW.2: K. Narasimha Rao, PW.3: S.D.N.V. Vikram, exhibited A1 to A7/Ex.A1-FIR, Ex.A2-Inquest report, Ex.A3- P.M.Report, Ex.A4-M.V.I. Report, Ex.A5-Charge Sheet, Ex.A6- Service Certificate, Ex.A7-Salary Certificate and Ex.X1-Service Certificate, Ex.X2-Salary Certificate, Ex.X3-Salary statement from 1/2000-9/2001, 10/01-11/01, Ex.X5-Service particulars, Ex.X6-Authorisation letter. The 2nd Respondent is examined RW1.

10. The Tribunal answered all 4 points in favour of the claimants.

11. The sole point to be determined in this Appeal is whether the Claimants could prove that the salary of Vellanki Venkateswara Rao/deceased was Rs.5,900/- per month and what is the compensation to be awarded? After conclusion of the arguments, there is no dispute on the road accident, negligent driving by the 1st Respondent by the offending Bus, death of Vellanki Venkateswara Rao in the accident, and relationship of the Claimants.

12. The Tribunal, upon appreciation of the evidence on record, including the evidence of PW.2/eye witness and the Charge Sheet/Ex.A5, also convicting the 1st Respondent by the Magistrate, recorded a finding that the accident was

due to the rash and negligent driving of the offending Bus by the Respondent No.1.

13. The Tribunal further recorded a finding based on the evidence of PW.3, Salary Certificate, Service Certificate, Records/Ex.A6, A7 and X.1 to X.6, that the deceased was working as a college clerk and arrived at his income of Rs.5,900/- per month, deducted 1/3rd towards his personal and living expenses, applied multiplier '15', arrived at compensation of Rs.7,02,000/- and also awarded Rs.30,000/- towards loss of estate and consortium. Also, the Tribunal observed that though the total is Rs.7,32,000/-, but confining to Rs.7,10,000/- and accordingly awarded compensation of Rs.7,10,000/- as claimed by the Claimants.

14. This Court in M.A.C.M.A.M.P.No.5070 of 2006 dated 11.10.2006 ordered an interim stay on condition that the Petitioner/Appellant shall deposit half of the Award amount, together with proportionate costs and interest, within a period of 6 weeks from today. On such deposit, the Claimants shall be entitled to withdraw their respective shares in the same proportion, subject to the same conditions as imposed by the Tribunal, without furnishing any security. The Appeal has been listed for many times over all these years.

15. The material on record reveals that the deceased was working as a college clerk. The salary certificate and service certificates produced before the Tribunal disclose that the deceased had been working in the College since 29.08.1983 and shows he was in permanent employment.

16. The Tribunal assessed his monthly income at Rs.5,900/- per month. The contention of the Appellant that the salary certificate was not proved by examining an officer from the concerned college is incorrect, as the evidence of PW3, who was working as an Office Assistant, lends support to the employment

and income of the deceased. Further, the salary certificate and service certificates indicate that the deceased was in employment since 29.08.1983.

17. As per the law laid down by the **Hon'ble Constitutional Bench of the Hon'ble Supreme Court of India** in ***National Insurance Company v. Pranay Sethi***[1], in para 61(iii), for permanent job, 30% to be added as future prospects for the age group of 40 to 50 years. As rightly contended by the learned Counsel for the Claimants, this Court has power under Order XLI, Rule 33 of CPC, thus inclined to invoke the power to award just compensation and comply with the law as per ***Pranay Sethi*** **case supra.** In this case, as per the Claimants the deceased was working in the college since 29.08.1983 till 21.11.2001 i.e., the date of the accident, so the deceased was in job for about 18 years, thus, the deceased be termed as he was in permanent job, thus, the Claimants are entitled for the future prospects 30% as the age of the deceased was arrived at 41 years by the Tribunal, which is not in dispute, thus, the salary of Rs.5,900/- + 30% of Rs.5,900/- = Rs.7,670/- per month, and his annual Income is Rs.92,040/- (Rs.7,670 x 12).

18. As rightly contended by the learned Counsel for the Claimants, 1/3rd is to be deducted instead of 1/4 towards his personal and living expenses, as the Claimants are 4 in number, as per the law in ***Pranay Sethi case supra***, ¼th to be deducted towards his personal and living expenses, thus the loss of dependency would be Rs.69,030/-. As rightly contended by the learned Counsel for the APSRTC, the applicable multiplier is '14', as the age of the deceased was 41 years on the date of the accident, thus as per the law in ***Pranay Sethi case supra***, the applicable multiplier is '14', and the applied multiplier of '15' by the Tribunal is modified accordingly, thus, loss of earnings arrived at Rs.69,030/- per annum, to be multiplied by '14', thus total loss of earning would be Rs.9,66,420/-.

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[1] (2017) 16 SCC 680

19. Whereas the Tribunal awarded Rs.30,000/- towards loss of estate and loss of consortium. As per the law in ***Pranay Sethi*** case *supra*, for the Loss of Estate, Loss of Consortium and Funeral Expenses should be Rs.15,000/-, Rs.40,000/- and Rs.15,000/- respectively. The aforesaid amounts should be enhanced at the rate of 10% for every three years.

20. The Hon'ble Supreme Court of India in ***United India Insurance Company Limited Vs. Satinder Kaur and others[2],*** held that the parents and children are also entitled to Consortium.

21. Thus, the Claimants/Mother, wife, son and daughter of the deceased are entitled to Rs.48,000/- each towards Loss of Consortium, Rs.18,000/- towards Loss of Estate and Rs.18,000/- towards Funeral expenses respectively.

22. It is needless to mention that the law in ***Pranay Sethi*** case supra, including on Future Prospects, deduction for personal and living expenses, multiplier, Loss of Consortium, Loss of Estate and Funeral Expenses etc., has been applied retrospectively (see ***Rojalini Nayak Vs Ajit Sahoo[3]***)

23. The compensation awarded by the Tribunal under different heads and the compensation enhanced by this Court are as follows:

S. No	**Head of the claim**	**Compensation awarded by the Tribunal (Rs.)**	**Compensation enhanced by this Court (Rs.)**	**Remarks**
1.	Loss of Dependency	7,02,000/-	9,66,420/-	Income Rs.5900 + 30% FP = Rs.7670, Annual Rs.92,040 – 1/4th towards personal expenses= Rs. 69,030/- x multiplier '14' as per ***Pranay Sethi*** case.
2.	Loss of Consortium	30,000/-	1,92,000/-	Rs.48,000/- each for the ***four*** Claimants as per

[2] *(2020) SCC Online SC 410*

[3] 2024 INSC 584

				Pranay Sethi and Satinder Kaur cases
3.	Loss of Estate		18,000/-	As per ***Pranay Sethi*** case
4.	Funeral Expenses	Nil	18,000/-	As per ***Pranay Sethi*** case
	Total	**7,32,000/- (The Tribunal confined to Rs.7,10,000/-)**	**11,94,420/-**	

24. Thus, the Claimants are entitled to Rs.11,94,420/- as stated in the Table, but the claim is filed for Rs.7,10,000/-, thus the Court Fee is to be paid for the compensation awarded over and above the claim of Rs.7,10,000/- The compensation of Rs.11,94,420/- shall be apportioned among the Claimants as per the ratio ordered by the Tribunal. The interest of 7.5% per annum as ordered by the Tribunal is maintained.

25. As stated supra, the Appellant moved an application for stay, and accordingly, on 11.10.2006, this Court granted stay of the Award. As discussed supra, the Appellant has no case to interfere in the Award of the Tribunal, except for the multiplier, but the Appellant being a Public Sector Corporation, contributed to the pendency of this Appeal for about 20 years before this Court, this act of the Appellant has a cascading effect, such as leading to this Appeal being added to very old list of pending cases, denting the image of the Judiciary for the pendency of this Appeal for all these years and also put to suffer the Claimants (widowed mother, wife and two children) for all these years, as they could not get the half of the awarded compensation.

26. The Advocate Fee is prescribed under A.P. ADVOCATES' FEE RULES, 2010. Rule 40, which provides for fixing of fee for all CMAs as fixed in the Lower Court, whereas Rule 15 provides that in Original Petitions for matrimonial, land acquisition, claims regarding **Motor Vehicle Accidents**, Arbitration, Succession Certificate etc., fee shall be fixed by the Court at not less than Rs.1,500/- and not more than Rs.25,000/-. Thus, the Trial Court or this Court cannot fix not more than Rs.25,000/-.

27. Thus, in view of the long pendency of the Appeal and the circumstances, it necessitates for examination of the law on Costs and Advocate Fee.

III. LAW ON COSTS AND ADVOCATE FEE:

28. The Hon'ble Full Bench of the **Hon'ble Supreme Court of India** in ***Salem Advocate Bar Association, Tamil Nadu Vs Union of India (UOI)[4],*** while dealing with amendments to the Code of Civil Procedure, 1908, held that costs should be realistic and reasonably to reimburse the other party, quoting Section 35, observed no upper limit to amount of costs awardable. Also observed that judicial notice can be taken that many unscrupulous parties take advantage of the fact that either the costs are not awarded or nominal costs are awarded on the unsuccessful party. Also, observed that unfortunately, it has become a practice to direct parties to bear their own costs. That the costs to be actual reasonable costs, including the cost of the time spent by the successful party, the transportation and lodging, besides the payment of the court fee, lawyer's fee etc., to the litigation. That it is for the High Courts to examine these aspects and make rules. That awarding of costs must be treated generally as mandatory in as much as, that the liberal attitude of the Courts in directing the parties to bear their own costs had led parties to file a number of frivolous cases in the Courts or to raise frivolous and unnecessary issues, which are extracted hereunder;

> **"V. COSTS:**
>
> *"24.Section 35 of the Code deals with the award of costs and Section 35-A with award of compensatory costs in respect of false or vexatious claims or defences.*

[4] (2005) 6 SCC 344

Section 95 deals with the grant of compensation for obtaining arrest, attachment or injunction on insufficient grounds. These three sections deal with three different aspects of award of costs and compensation. Under Section 95, costs can be awarded upto Rs. 50,000/-, and under Section 35-A, the costs awardable are upto Rs. 3,000/-. Section 35-B provides for award of cost for causing delay where a party fails to take the step which he was required by or under the Code to take or obtains an adjournment for taking such step or for producing evidence or on any other ground. In circumstances mentioned in Section 35-B an order may be made requiring the defaulting party to pay to other party such costs as would, in the opinion of the court, be reasonably sufficient to reimburse the other party in respect of the expenses incurred by him in attending the court on that date, and payment of such costs, on the date next following the date of such order, shall be a condition precedent to the further prosecution of the suit or the defence. Section 35 postulates that the cost shall follow the event and if not, reasons thereof shall be stated. The award of the cost of the suit is in the discretion of the Court. In Sections 35 and 35-B, there is no upper limit of amount of cost awardable.”

“25. Judicial notice can be taken of the fact that many unscrupulous parties take advantage of the fact that either the costs are not awarded or nominal costs are awarded on the unsuccessful party. Unfortunately, it has become a practice to direct parties to bear their own costs. In large number of cases, such an order is passed despite Section 35(2) of the Code. Such a practice also encourages filing of frivolous suits. It also leads to taking up of frivolous defences. Further wherever costs are awarded, ordinarily the same are not realistic and are nominal. When Section 35(2) provides for cost to follow the event, it is implicit that the costs have to be those which are reasonably incurred by a successful party except in those cases where the Court in its discretion may direct otherwise by recording reasons thereof. The costs have to be actual reasonable costs including the cost of the time spent by the successful party, the transportation and lodging, if any, or any other incidental cost besides the payment of the court fee, lawyer's fee, typing and other cost in relation to the litigation. It is for the High Courts to

examine these aspects and wherever necessary make requisite rules, regulations or practice direction so as to provide appropriate guidelines for the subordinate courts to follow."

26. The Model Case Flow Management Rules read as under:
……………………………...
COSTS:

27. So far as awarding of costs at the time of judgment is concerned, awarding of costs must be treated generally as mandatory in as much as the liberal attitude of the Courts in directing the parties to bear their own costs had led parties to file a number of frivolous cases in the Courts or to raise frivolous and unnecessary issues. Costs should invariably follow the event. Where a party succeeds ultimately on one issue or point but loses on number of other issues or points which were unnecessarily raised, costs must be appropriately apportioned. Special reasons must be assigned if costs are not being awarded. Costs should be assessed according to rules in force. If any of the parties has unreasonably protracted the proceedings, the Judge should consider exercising discretion to impose exemplary costs after taking into account the expense incurred for the purpose of attendance on the adjourned dates.

29. The **Hon'ble Supreme Court of India** in ***Sanjeev Kumar Jain vs Raghubir Saran Charitable Trust & Ors***[5], while dealing with awarding of costs, also relied on ***Salem Bar Association case supra***, observed the need to revise and streamline the Court Fee ***and equally urgent need to revise the advocate's fee provided in the Schedule to the Rules***, that most of which are outdated and have no correlation with the prevailing rates of fees, which are extracted hereunder;

"19. The costs in regard to a litigation include (a) the court fee and process fee; (b) the advocate's fee; (c) expenses of witnesses; and (d) other expenses allowable under the Rules. We have already referred to the need to revise and streamline the

[5] (2012) 1 SCC 455

court fee. Equally urgent is the need to revise the advocate's fee provided in the Schedule to the Rules, most of which are outdated and have no correlation with the prevailing rates of fees. In regard to money suits, specific performance suits and other suits where ad valorem court fee is payable, the Advocate's fee is also usually ad valorem……………….."

"20. ………………….There is need to provide for awarding realistic advocates' fee by amending the relevant rules periodically. This Court, of course, in several cases has directed payment of realistic costs. But this Court could do so, either because of the discretion vested under the Supreme Court Rules, 1966 or having regard to Article 142 of the Constitution under which this Court has the power to make such orders as are necessary to do complete justice between the parties."

21. A serious fallout of not levying actual realistic costs should be noted. A litigant, who starts the litigation, after sometime, being unable to bear the delay and mounting costs, gives up and surrenders to the other side or agrees to settlement which is something akin to creditor who is not able to recover the debt, writing off the debt. This happens when the costs keep mounting and he realizes that even if he succeeds he will not get the actual costs. If this happens frequently, the citizens will lose confidence in the civil justice system. When a civil litigant is denied effective relief in Courts, he tries to take his grievances to `extra judicial' enforcers (that is goons, musclemen, underworld) for enforcing his claims/right thereby criminalizing the civil society. This has serious repercussions on the institution of democracy.

22. We, therefore, suggest that the Rules be amended to provide for `actual realistic costs'. The object is to streamline the award of costs and simplify the process of assessment, while making the cost `actual and realistic'……………."

30. In view of the law as stated supra, this Court is referring to an illustration to drive on Costs, Advocate Fee and allied aspects.

a) If a Lecturer/Engineer aged 25 years, who has a permanent job and earning Rs.1,00,000/- per month, who has wife and parents, died in a road accident by negligence of other party, the Claimants will get compensation including 50% future prospects, after deducting 1/3rd towards personal and living expenses i.e., Rs.1,00,000/- salary + Rs.50,000/-

future prospects, 1/3 deduction towards personal and living expenses of the deceased, thus the Claimants are entitled to compensation of Rs.2,16,00,000/- towards loss of earnings (Rs.1,50,000/- / x 2/3 X 12 months X 18 multiplier to be applied for the age of 25 years). Further, the 3 Claimants are also entitled to Rs.48,000/- each under the head of loss of Consortium, Rs.18,000/- under loss of estate and Rs.18,000/- under funeral expenses, total compensation of Rs.2,17,80,000/- depending on the facts of the case, whether the offending vehicle is insured or not, they are entitled to the aforesaid compensation. But the Claimants cannot get more than Rs.25,000/- towards Advocate Fee under Rule 15 of A.P. Advocate Fee Rules, 2010 from the unsuccessful Respondents.

b) Whereas in a suit for recovery of money for Rs.2,17,80,000/- based on a Promissory Note, Mortgage Deed or Agreement of Sale etc., the successful Party will get Advocate Fee of Rs.6,55,100/- as per Rule 6 of A.P. Advocate Fee Rules, 2010, from unsuccessful Party/s.

31. Whereas in the former case, the Claimants will get a meager amount of Advocate Fee and cannot get more than Rs.25,000/- but in the latter case, the successful party in the suit will get Advocate Fee of Rs.6,55,100/-. In the Execution Petitions (EPs) also, the Courts shall fix the Advocate Fee, which is ½ in case of contest, from the fee allowed in the suit or proceeding as the case may be under the Rules, and ¼ in case of no contest. Thus generally the Insurer or Insured is benefited for allowing nominal Court Fee in MVOP/Original Proceeding, MACMA or EP at the cost of the Claimants. In fact, generally, the claimants may incur more amount towards Advocate Fee when they are pursuing the claim either before the Tribunal or before this Court. Thus, this Court is of the humble view that by this Rule 15 before the Tribunal and Rule 40 before this Court, the Claimants/Insured/Insurer etc., are not getting realistic costs, thus in most of the cases, the Claimants/Parties are facing frivolous or vexatious contests before the Tribunal and this Court, if the Advocate Fee is suitably increased by way of amendments to the Rules, also a provision for Advocate Fee ranging from 1 to 3 times be awardable depending on the facts of

the case including frivolous or vexatious pleas, for protracting the case, for the time and effort put by a party and his/her counsel, for obtaining status-quo, stay etc., without there being sufficient material, then the law as stated in ***Salem Bar Association*** and ***Sanjeev Kumar Jain cases supra*** will be complied, the Claimants/successful party will get the realistic costs without depriving their right to reimbursement, then the frivolous or vexatious Claims or defences in Original Petitions, Appeals and Execution Petitions can be curbed significantly.

32. It is needless to mention that the view of this Court in the preceding para is also applicable in Civil Suits, CMAs, Revisions, Appeal Suits, Second Appeals, Execution Petitions, Writs and Writ Appeals etc., for awarding realistic costs for the successful party. Also a provision for Advocate Fee be made to award Advocate Fee ranging from 1 to 3 times depending on the facts of the case including for frivolous or vexatious pleas, for protracting the case, for the time and effort put by a party and his/her counsel, for obtaining Interim Injunction, Attachment, status-quo, stay etc., in Original Proceeding, Revision or Appeal etc, then a mischievous party will not venture for seeking such orders or seek extension of such orders without there being sufficient grounds in his/her case, deterring the higher the abuse by him, the higher the costs need to pay upto 3 times of the Advocate Fee by him on loosing the case.

33. There is a general notion that if the Advocate Fee is increased in the Rules, the Advocates will be benefiting by the increase, this Court is of the view that notion is incorrect as generally the successful party, who is getting the realistic costs by the increase of the Rules, from the unsuccessful party.

34. This Court is of the humble view, that the law and discussion as stated supra, the fee prescribing minimum, maximum etc., in the Rules, 2010, requires revision under Article 227 of the Constitution of India in view of the passage of around 16 years from framing of the Rules, 2010 as some of them

are with outdated fee structure, with no correlation with the prevailing rates of fees as per the law stated supra.

35. The Bar Council and the Bar Associations shall take an effective lead in these issues, there are numerous issues of like this nature. If they are addressed, the litigants will enhance faith in the Profession and the Profession will flourish, and finally the image of the Judiciary will be enhanced in the administration of justice.

36. It is also appropriate to refer to the law in ***Salem Bar Association case supra**,* while dealing with Notice under Section 80 of CPC, which held on the duty of the concerned Public Servant, to give a suitable reply to the notice, if the notice is not replied or the reply is evasive or vague, the Court shall award heavy cost against the Government and direct it to take appropriate action against the concerned Officer including recovery of costs from him, the same is extracted here under;

> *"40. These provisions cast an implied duty on all concerned governments and States and statutory authorities to send appropriate reply to such notices. Having regard to the existing state of affairs, we direct all concerned governments, Central or State or other authorities, whenever any statute requires service of notice as a condition precedent for filing of suit or other proceedings against it, to nominate, within a period of three months, an officer who shall be made responsible to ensure that replies to notices under section 80 or similar provisions are sent within the period stipulated in a particular legislation. The replies shall be sent after due application of mind. Despite such nomination, if the Court finds that either the notice has not been replied or reply is evasive and vague and has been sent without proper application of mind, the Court shall ordinarily award heavy cost against the Government and direct it to take appropriate action against the concerned Officer including recovery of costs from him."*

37. When the law is applied with such vigor at the stage of Legal Notice under Section 80 of CPC, which is prior to institution of the suit, against the concerned Public Servant for recovery of costs and departmental action, it

clearly shows that if a public servant in a Suit or proceeding including Revision, Appeal, Execution Petition, upon taking frivolous or vexatious pleas, the law in ***Salem Bar Association case supra*** will apply with much vigor as the latter is in suits or proceedings before the Courts/Tribunals. If the law is implemented in this fashion by the Courts in the Districts as laid down in ***Salem Bar Association case supra***, the frivolous or vexatious pleas will be curbed, which will enhance the image of the Judiciary in the administration of justice. Further, the State's litigation, which is the biggest litigant before the Courts, also can be reduced significantly when the law is complied as stated supra. It is needless to mention that the concerned Officers and legal teams from time to time need to revisit their litigation formats and strategies in this technology era to comply with the law, check their new cases and pending cases at all levels to identify and process them to settle at the earliest, or at the first hearing of the matter under Order X Rule 1A of CPC, or at the earliest in the National Lok Adalat, then they can comply with the law and also avoid costs and departmental actions as stated supra.

38. It is needless to mention that the Counsels have a duty to assist the Courts/Tribunals to comply with the law as stated supra. The Courts/Tribunals have a duty to ensure compliance with the law as stated supra.

39. In the present case, in view of Rule 40 r/w 15 of the Advocate Fees Rules, 2010, the Advocate Fee cannot be fixed for more than Rs.25,000/-. Thus, confined to Rs.25,000/- in the circumstances of the case.

40. The principles on Costs, Advocate Fee and allied legal aspects stated herein above are illustrative but not exhaustive. It is appropriate to place the quote of **Sri Mahatma Gandhi "An ounce of practice is worth more than tons of preaching".**

IV. CONCLUSION:

41. In the result, the Appeal is dismissed with costs of Rs.25,000/- payable to the Claimants in the circumstances of the case, while enhancing the compensation from Rs. 7,10,000/- to Rs.11,94,420/- as stated in the Table with interest at 7.5% p.a. from the date of filing of the Petition till the date of realization subject to payment of additional Court Fee by the Claimants over and above the claim of Rs.7,10,000/- within 30 days from the date of receipt of this Judgment. The compensation awarded by this Court shall be apportioned among the Claimants as per the ratio ordered by the Tribunal. The 2nd Respondent may recover these costs from the concerned Employee, who was responsible for filing the Appeal and who was/are responsible for continuing this Appeal for about 20 years. The 2nd Respondent is directed to examine to initiate departmental action against the concerned as per the law stated supra.

42. The Registrar General is directed to place the file before the Hon'ble the Chief Justice of High Court of Andhra Pradesh for kind consideration.

JUSTICE ALAPATI GIRIDHAR

Dated : 11.09.2026
LR copy to be marked
B/o.
CHD

THE HON'BLE SRI JUSTICE ALAPATI GIRIDHAR

M.A.C.M.A. No.2289 of 2012

Date: 11th September, 2026

CHD