

THE HON'BLE SRI JUSTICE T.AMARNATH GOUD

M.A.C.M.A.No.2036 OF 2006

JUDGMENT:

This appeal is preferred by the appellant-insurance company against the award, dated 02.05.2006 passed in M.V.O.P.No.733 of 2004 by the Motor Accident Claims Tribunal-VI Additional District Judge, (III FTC), Warangal at Mahabubabad (for short 'the Tribunal) granting compensation of Rs.2,24,300/- against the claim of Rs.1,00,000/-.

2. For the sake of convenience, the parties herein after will be referred to as they were arrayed before the Tribunal.

3. Learned counsel for the appellant contended that in similar issue CBI enquiry has been ordered against the counsel and the doctor, the same is pending and therefore, prayed to allow the appeal by setting the order of the Tribunal.

4. In so far as the enhancement of compensation granted by the Tribunal more than the claim, this Court is of the considered view that in view of the decision of the apex Court in **Nagappa v Gurudayal Singh and others**¹ there cannot be any embargo upon restriction restricting the compensation amount on par with the claim. In view of the M.V. Act is a beneficial legislation as held by the Apex Court in several judgments, on the facts and circumstances of the case, compensation can be granted more than the claim amount. In so far as the enquiry pending by CBI is

¹ (2003)2 SCC 274

concerned, the said issue has been settled by this Court in MACMA No.2052 of 2006 on 22.02.2010 holding that the criminal proceedings initiated against the doctor or counsel is of criminal nature and has no relevancy in deciding this appeal. It is needless to observe that in view of the civil and criminal proceedings are separate in nature, the enquiry against the doctor or counsel cannot have any bearing in awarding compensation.

5. In view of the above, the appeal filed by the appellant – insurance company is dismissed confirming the award, dated 02.05.2006 passed in M.V.O.P.No.733 of 2004 by the Motor Accident Claims Tribunal-VI Additional District Judge, (III FTC), Warangal at Mahabubabad. No order as to costs.

Miscellaneous petitions, if any pending in this appeal shall stand closed.

DATE 22.10.2019
kvrn

T.AMARNATH GOUD,J