

THE HON'BLE SRI JUSTICE T.AMARNATH GOUD

M.A.C.M.A.No.4020 OF 2012

JUDGMENT:

This appeal is preferred by the appellant-insurance company against the order, dated 11.07.2007 passed in O.P.No.271 of 2006 by the Motor Accident Claims Tribunal-IV Additional District Judge, Warangal (for short 'the Tribunal) granting compensation of Rs.53,000/-.

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 and the same is pending and that the compensation granted by the Tribunal is on higher side and therefore, prayed to allow the appeal by setting the order of the Tribunal.

4. In view of the M.V. Act is a beneficial legislation as held by the Apex Court in several judgments. In so far as the enquiry pending by CBI is 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.

Therefore, in all aspects, the judgment passed by the Tribunal is well considered.

5. In view of the above, the appeal filed by the appellant – insurance company is dismissed confirming the order, dated 11.07.2007 passed in O.P.No.271 of 2006 by the Motor Accident Claims Tribunal-IV Additional District Judge, Warangal. No order as to costs.

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

DATE 02.08.2019
kvrn

T.AMARNATH GOUD,J

