

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

**FIRST APPEAL NO. 552 OF 2008
WITH
CIVIL APPLICATION NO. 1174 OF 2014**

United India Insurance Co. Ltd.
Through its Divisional Manager and
authorised representative and
signatory, Ahmednagar Divisional
Office, Kisan Kranti Building,
Ahmednagar, Dist. Ahmednagar.

...Appellant

versus

1. Smt. Latabai Dattatraya Shipankar,
Age: 35 years, Occ: Agri. & Labour,
R/o. Laxmibhau, C.M.E. in front of
Plot No. 6, Station Road, Ahmednagar.

2. Bhaskar Pandurang Kale,
Age: Major, Occ: Business,
R/o. Karanjgaon, Tal. Newasa,
District Ahmednagar

...Respondents

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Mr. A.B. Gatne, Advocate for appellant.

Mr. K.S. Bhore, Advocate for respondent No.1.

Mr. D.G. Nagode, Advocate for respondent No. 2.

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CORAM : N.W. SAMBRE, J.

DATE : 7TH MAY, 2015

ORAL ORDER :

In view of law laid down by this Court in the matter of
***Margappa Shethappa Vadar vs. Proctor and Gamble India and
another*** reported in ***2008(4) Bom. C.R. 820***, the parties agree that

the matter can be remanded back to the tribunal for deciding afresh.

2. In view thereof, the order dated 27/09/2007 passed by the Motor Accident Claims Tribunal, Ahmednagar in Motor Accident Claim Petition No. 277 of 2001 is set aside. The tribunal is directed to decide the matter afresh the light of above observations expeditiously, in any case within period of six months from today. The amount deposited in the present proceedings be transmitted to learned tribunal, who shall consider the request of the parties for withdrawal of the amount in accordance with law.

3. The first appeal stands disposed of, in above terms.

4. Consequently, civil application is disposed of.

[N.W. SAMBRE, J.]