

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

FIRST APPEAL NO. 294 OF 2003

New India Assurance Co. Ltd. .. Appellant

Versus

Rajendra Narayan Gangurde and another.. Respondents

Shri V. N. Upadhye, Advocate for the Appellant.

Shri A. B. Girase, Advocate for the Respondent No. 1 - absent.

CORAM : S. V. GANGAPURWALA, J.

DATE : 06TH OCTOBER, 2015.

PER COURT :

. The present appeal is filed against an award U/Sec. 140 of the Motor Vehicles Act (for short "M.V. Act"). It is submitted that, proceedings U/Sec. 166 of the M. V. Act is still pending as the record is with this Court. The contention of Mr. Upadhye, the learned counsel for the appellant is that, no insurance policy existed on the date of accident. On the basis of R.T.O. particulars only the order has been passed. The present appeal has been admitted on 22.04.2003 and since the said date the stay to the award U/Sec. 140 of the M. V. Act to the extent of present appellant is operating.

2. Considering the dispute involved and the length of time

consumed, it would be appropriate to direct the Tribunal to decide the proceedings U/Sec. 166 of the M. V. Act on its own merits by extending interim orders passed by this Court till the proceedings U/Sec. 166 of the M. V. Act is decided. It is submitted that, amount awarded U/Sec. 140 of the M. V. Act is deposited by the present appellant and is lying with this Court and the said amount is not withdrawn by claimants.

3. In the light of that, I pass following order.

4. The first appeal is disposed of in terms of interim orders passed by this Court. The amount deposited by the Insurance Company be transmitted to the concerned Tribunal. The Tribunal shall retain the said amount till the proceedings U/Sec. 166 of the M. V. Act is decided. Considering the fact that, the proceedings is of the year 1998, the Tribunal shall endeavour to dispose of the proceedings expeditiously. The Tribunal shall pass further order with regard to the disbursement of the amount with regard to the amount U/Sec. 140 of the M. V. Act after the judgment and award is passed U/Sec. 166 of the M. V. Act in tune with the said order. The Record and proceedings be sent back to the concerned Tribunal immediately.

[S. V. GANGAPURWALA, J.]