

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

FIRST APPEAL NO. 334 OF 2011

Bajaj Allianz General Insurance Co. Ltd.

... Appellant

VERSUS

Suman W/o Bhikaji Sonar & Others.

... Respondents

.....

Mr S. G. Chapalgaonkar, Advocate for the appellant

Mr N. C. Garud, Advocate for respondent No. 1

Mr Ostwal, Advocate for respondent No. 2

.....

ALONG WITH

FIRST APPEAL NO. 335 OF 2011

FIRST APPEAL NO. 336 OF 2011

FIRST APPEAL NO. 337 OF 2011

CORAM : **S. V. GANGAPURWALA, J.**

DATE : **28TH AUGUST, 2015.**

PER COURT:

. These appeals are filed against the order passed under Section 140 of Motor Vehicles Act.

2. The compensation amount awarded by the Tribunal is deposited by the Insurance Company and it appears that the claimants have withdrawn part of the amount.

3. It is submitted by the ld. Counsel for the claimants that now the matters before the Tribunal u/s 166 of the Motors Vehicles Act are

ready. However, as the record is before this Court, the said matters cannot be proceeded further.

4. In view of the fact that, the petitions u/s 166 of the Motors Vehicle Act are now ready for trial, it would be appropriate to get the proceedings u/s 166 of Motor Vehicles Act disposed of on its own merits. No purpose would be served by keeping the matters pending and record in this Court. I, therefore, pass the following order.

ORDER

- (i) The Tribunal shall decide the proceedings u/s 166 of the Motors Vehicle Act, expeditiously, on its own merits, preferably within six months from the date of receipt of the record.
- (ii) The Registry shall immediately send back the record of the instant case to the Tribunal.
- (iii) If some amount deposited by the Insurance Company is lying in this Court, the same shall be transmitted to the Tribunal.
- (iv) The Tribunal shall pass further order with regard to the withdrawal of the amount deposited after the judgment is delivered u/s 166 of the Motors Vehicle Act and in tune with the said judgment.

- (v) All points of the parties are kept open.
- (vi) Appeals accordingly disposed of. No costs.

[S. V. GANGAPURWALA, J.]

sgp