

- 1 -

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

BENCH AT AURANGABAD

**CIVIL APPLICATIONS NOS.4956/2015,
6145/2015 & 7181/2015**

IN

FIRST APPEAL NO.863/2012

Ranjana Vijay Wahul & others.
...Applicants..

Versus

Ahemadi Begum Khurshad Ahmed
and others.
...Respondents...

.....

Shri B.V. Dhage, Advocate for applicants.
Shri A.B. Kadethankar, Advocate for the New India
Assurance Company Ltd.

.....

CORAM: N.W. SAMBRE, J.

DATE: 07.07.2015

ORDER :

- 1] Heard learned counsel for the parties.
- 2] By order passed in Motor Accident Claim Petition No.648/2010 on May 14, 2012, the Motor Accident Claims Tribunal directed the respondent – Insurance Company to pay amount of Rs.5,66,000/- and to recover it from the respondent no.1.

- 2 -

3] The learned counsel for the appellant – Insurance Company is in agreement that the appeal can be disposed of in terms of observations made by the Tribunal in paragraph nos.3A and 3B, which read thus:

“3A. Respondent no.2 shall deposit the amount of Rs.5,66,000/- payable to claimant nos.1 to 3 in the Tribunal and recover it from respondent no.1 without filing a separate suit but by initiating a proceeding before the Executing Court as if the dispute between respondent no.1 and respondent no.2 was the subject matter before this Tribunal and the issue was decided against respondent no.1 and in favour of respondent no.2.

3B. Before release of the amount to claimant nos.1 to 3, a notice shall be issued to respondent no.1 and she shall be required to furnish security for the entire amount which respondent no.2 would pay to claimant nos.1 to 3.”

4] First Appeal No.863/2012 stands disposed of in the light of above submissions. No order as to costs. Civil Applications Nos.4956/2015, 6145/2012 and 7181/2015 also stand disposed of. The amount deposited in this Court be

- 3 -

forthwith remitted to the Motor Accident Claims Tribunal, Aurangabad, in Motor Accident Claim Petition No.648/2010 and the Tribunal is directed to disburse the amount in terms of the observations made in the award.

(N.W. SAMBRE, J.)