

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD
FIRST APPEAL NO.1434 OF 2014
WITH CA/7838/2014 IN FA/1434/2014

BHUJANG BAPURAO SHENDE
VERSUS
CHANDRKALA ZUMBAR VEER AND OTHERS

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Mr.V.D.Salunke, advocate for appellant

Mr.A.S.More, advocate for respondent nos.1 to 6

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CORAM : M.T. JOSHI, J.
DATE : FEBRUARY 11, 2015

PER COURT :

Heard both sides.

2] The appellant failed to file the written statement before the trial Court. In the circumstances, the following order is passed :-

(I) The appeal is hereby partly allowed without any order as to costs.

(II) The award passed by learned Member, Motor Accident Claims Tribunal, Osmanabad, is hereby set aside. Instead, the matter is remanded back to the learned Member for decision afresh in the proceedings, by allowing the appellant herein to file the written statement within a period of four weeks from the date of appearance.

(III) Learned Member to take efforts for early disposal of the proceedings and preferably, within a period of one year from the date of appearance of the parties.

(IV) Respondent nos.1 to 6 herein would be at liberty to withdraw the statutory deposit made by the appellant in this Court, upon furnishing an undertaking that in case, any order adverse to their interest is passed, either by the Tribunal or this Court, they would refund the same within a period of six months from the date of such order.

(V) In view of disposal of the appeal, Civil Application does not survive and the same stands disposed of.

[M.T. JOSHI, J.]

kbp