

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

FIRST APPEAL NO. 2615 OF 2013

New India Assurance Company Ltd.,
Through its Divisional Manager
Adalat Road, Aurangabad

... APPELLANT

Versus

1. Satish S/o. Ashok Kande
Age: 24 years, Occu: Private Service,
R/o. Sangam, Tal. Dharur, District Beed
and others

...RESPONDENTS

Mr. S. G. Chapalgaonkar, Advocate for appellant
Mr. K. B. Jadhavar, Advocate for respondents No. 1

CORAM : M. T. JOSHI, J.
DATE : JANUARY 29, 2015

ORDER

1. Heard both sides.
2. Both sides submit that, instead of hearing present appeal against the impugned order dated 12-07-2013 passed by learned Member, Motor Accident Claims Tribunal, Beed, on application at Exhibit-5 under section 140 of the Motor Vehicle Act, 1988 in Motor Accident Claim Petition No.188 of 2012 under section 166 of the Act, the case may be remanded back to the learned Member of the Tribunal for decision on the claim petition itself and pass necessary orders on merits regarding payment of amount under section 140 of the Act.

3. In the circumstances, following order;

- (A) The appeal is hereby allowed. The impugned order dated 12-07-2013 passed by learned Member, Motor Accident Claims Tribunal, Beed, on application at Exhibit 5 in Motor Accident Claim Petition No.188 of 2012 is hereby set aside.
- (B) The case is remanded back to the Tribunal for decision on claim petition grant of compensation under section 140 of Motor Vehicles Act itself at the time of deciding application under section 166 of Motor Vehicles Act.
- (C) The parties are directed to appear before the learned Member, Motor Accident Claims Tribunal, Beed, on 25-01-2015. In view of the same, the Tribunal need not issue fresh notice to any of the parties.
- (D) The Tribunal to decide claim petition under section 166 of the the Motor Vehicles Act within a period of six months from the date of appearance of the parties before it.

(E) Both parties state that they would co-operate in early disposal of the claim petition.

(F) Amount deposited in this court may be transmitted to the concerned Motor Accident Claims Tribunal for disbursement as per the directions as may be issued in the claim petition finally.

4. Appeal stands disposed of with aforesaid directions. In view of disposal of appeal, civil application, if any, does not survive and the same stands disposed of accordingly. Record and Proceedings may be sent back to the concerned Tribunal.

(M. T. JOSHI, J.)

pnd