

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

CIVIL APPLICATION NO. 2365 OF 2015
IN
FIRST APPEAL NO. 1023 OF 2012
WITH
FIRST APPEAL NO. 1023 OF 2012
(Narayan Chatrugan Ghadge Vs. Balubai Dattarao
Chudawkar and others)

Mr. Sudhir K. Chavan, Advocate for the applicant
Mr. S.S. Rathi, Advocate for respondent No.1
Mr. A.G. Kanade, Advocate for respondent No. 2
Mr. A.D. Wange, Advocate for respondent No. 3

CORAM : M.T. JOSHI, J.

DATE : 20/02/2015

ORAL ORDER :

1. Heard learned counsel for the parties.
2. All the sides submit that instead of deciding the present application solely, comprehensive view may be taken as the accident had occurred six years ago and now the application for placing additional material on record is filed. Considering the submissions, the following order:-

3. The civil application as well as the first appeal are hereby allowed without any order as to costs. The judgement and order dated 03.05.2011, passed by the Member, Motor Accident Claims Tribunal, Parbhani is hereby quashed and set aside, on the condition that the present respondent No. 2 deposits an amount of Rs. 50,000/- (rupees fifty thousand) together with proportionate interest, as directed by the learned Tribunal in the impugned award, in the office of the M.A.C. Tribunal, Parbhani, within a period of four weeks from the date of this order.

. Upon deposit of the amount, as directed above, the parties shall appear before the Motor Accident Claims Tribunal, Parbhani on 22nd April, 2015. The appellant as well as the respondents are permitted to lead their respective evidence before the learned Tribunal.

4. Further, considering the fact that the present respondent No. 3 - M.S.R.T.C. was absolved by the learned Tribunal without recording any evidence, the said order dated 16th December, 2010, passed by the

learned Tribunal below Exhibit-18 shall stand quashed and set aside and all the issues be heard on merit, including the liability, if any of the present respondent No. 3 – M.S.R.T.C.

5. The learned Tribunal is directed to dispose of the proceeding within a period of four months from the date of appearance of the parties before it.

6. In case the amount is not deposited by the present respondent No. 2, as directed above, the present order shall stand revoked and the first appeal shall stand dismissed, without any order as to costs.

7. The original claimant/respondent No. 1 would be at liberty to withdraw the amount, if any deposited by the present respondent No. 2.

8. Accordingly, both – the civil application as well as first appeal stand disposed of.

[M.T. JOSHI]
JUDGE