

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

FIRST APPEAL NO. 2904 OF 2013
(National Insurance Company Ltd. Vs. Sunanda Jitendra
More and others)

Mr. A.B. Gatne, Advocate for the appellant
Mr. G.A. nagori, Advocate for respondents No. 1 to 4

CORAM : M.T. JOSHI, J.
DATE : 22/01/2015

ORAL ORDER :

1. Heard both sides.
2. Both the sides agree that instead of deciding the present appeal on merit, which is against the order passed in an application under section 140 of the Motor Vehicles Act, the appeal may be disposed of with a direction to the learned Commissioner under the Workmen's Compensation Act to decide the issue of entitlement of grant of compensation under section 140 of the Motor Vehicles Act at the time of deciding the main application finally. Learned counsel further submit that the amount of Rs. 25,000/- is already disbursed to the original claimants i.e. present respondents No.1 to 4. In the circumstances, the following order:-

3. The present appeal is disposed of without any order as to costs and without any order on merit. The learned Commissioner under the Workmen's Compensation Act is directed to decide the issue of grant of compensation under section 140 of the Motor Vehicles Act at the time of deciding the application under sections 4 and 10 of the Workmen's Compensation Act finally. The amount of Rs. 25,000/-, already disbursed to the original claimants/present respondents No. 1 to 4, shall be subject to the final order that would be passed by the learned Commissioner. The rest of the amount lying in the office of the learned Commissioner under the Workmen's Compensation be invested in fixed deposit/s and shall be subject to the final order that would be passed by the learned Commissioner, as detailed above.

4. The R & P be remitted back to the office of the learned Commissioner.

. The present appeal stands disposed of accordingly.

[M.T. JOSHI]
JUDGE