

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR

First Appeal No.39/2014

The New India Assurance Co.Ltd. Vs. Abhimanyu s/o Pandurang Bulle and ors.

Notes, Office Memoranda of
Coram, appearances, Court's orders
or directions and Registrar's orders.

Court's or Judge's
Orders.

CORAM : Z.A. HAQ, J

DATE : 7th January, 2015.

Heard Shri Sahare, the learned Advocate holding for Shri Ukey, the learned Advocate for the appellant. None for the respondents.

The appeal is filed challenging the award passed by the Motor Accident Claims Tribunal for the compensation of Rs. 14,18,000/- to the claimants. As per the order passed by the learned Registrar on 22nd July, 2014 the appeal is dismissed against the respondent nos. 1 to 3-original claimants. The appellant has not taken any steps either to challenge the order passed by the learned Registrar or to serve the respondent nos. 1 to 3-original claimants. In view of this, nothing survives in the appeal. It is not the case of the appellant that the challenge in the appeal is vis-a-vis the respondent no.4-the owner of the vehicle.

In view of the above, the appeal is dismissed. As the respondent nos. 1 to 3-original claimants could not be served and have not put in appearance, there shall be no order as to costs.

The amount deposited by the appellant shall be kept in the fixed deposit and shall be disbursed to the respondent nos. 1 to 3-original claimants as per the impugned award. If the respondent nos. 1 to 3-original claimants does not approach Registry of this Court for the amount till 31st December, 2015, the amount be given back to the appellant-Insurance Company after obtaining an undertaking that the

Insurance Company will pay the amount to the respondent nos. 1 to 3-original claimants as per the impugned award.

In view of dismissal of the appeal, Civil Application No.93/94 has become infructuous. It is disposed of.

JUDGE

Ambulkar