

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO. 6613 OF 2014

BAJAJ ALLIANZ GENERAL INSURANCE CO. LTD.
VERSUS
SUNITA DEVANAND DADHEL AND ANOTHER

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Advocate for Petitioner : Shri Chapalgaonkar S.G.
Advocate for Respondent 1 : Shri Pathan Hamzakhan I.
Respondent 2 : Served

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CORAM : RAVINDRA V. GHUGE, J.
Dated: March 30, 2016
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PER COURT :-

1. By virtue of the order dated 6.8.2014, this Court has protected the petitioner, subject to the condition of depositing Rs.50,000/- in this Court as directed by the Employees' Compensation Court.

2. The petitioner has raised certain issues with regard to the effect of Sections 140 and 143 of the Motor Vehicles Act and the provisions under the Employees' Compensation Act, 1923. Reliance has been placed upon the judgments of the Apex Court in the matter of Mamataj Bi Bapusab Nadaf and others Vs. United India Insurance Company [2011 (2) Mh.L.J. 211] and Yallwwa and others Vs. National Insurance Co.Ltd. and another [AIR 2007 SC 2582].

3. The learned Advocate appearing on behalf of the respondents while opposing the petition submits that since an interlocutory order is at issue, this Court may not interfere with the same.

4. I have considered the submissions of the learned Advocates. The issue as to whether the first report of the purported accident dated 23.1.2012 filed by Ganpat Ramrao Shete deserves to be relied upon or whether his second report i.e. 6.3.2012 could be said to be reliable, has been posed in this petition. Similarly, whether the insurance company can be said to have insured the owner of the vehicle is also an issue to be dealt with.

5. I am of the view that if these issues are dealt with by this Court, there is a possibility that certain observations will have to be made and such observations are likely to affect the adjudicatory process by the Labour Court, Nanded in ECFA No. 46 of 2012.

6. Considering the above, I am of the view that ends of justice would be met by directing the Labour Court to decide the pending compensation claim expeditiously and by transmitting the amount deposited by the petitioner in this Court, to the Labour Court, Nanded. So also, the said amount could be invested by the Labour Court in fixed deposit receipt till the compensation claim is decided by the Labour Court.

7. As such, this petition is disposed off with a direction to the Labour Court, Nanded to decide ECFA No. 46 of 2012 as expeditiously as possible and preferably on/or before 27.10.2016. The amount deposited by the petitioner in this Court shall be transmitted along with interest that may

have accrued to the Labour Court, Nanded with a rider that the said amount shall be invested by the Labour Court in a Nationalized Bank, situated in Nanded town, and the said amount shall be subject to the result of ECFA No.46 of 2012. In short, the claimants are precluded from withdrawing the said amount till their claim is finally decided by the Labour Court.

8. Needless to state that since this petition has not been entertained on its merits and is disposed off merely by expediting the hearing of the pending proceedings before the Labour Court, in the event the petitioner suffers an adverse order of any nature whatsoever, before the Labour Court in the pending proceedings, it shall have the liberty to raise a comprehensive challenge including the challenge with regard to the issue / question that was posed in this petition.

(RAVINDRA V. GHUGE, J.)

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