

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

918 FIRST APPEAL NO. 2332 OF 2015
WITH CA/11462/2015 IN FA/2332/2015

THE NATIONAL INSURANCE CO. LTD.
VERSUS
SHANKAR GAJMAL SONAWANE AND OTHERS

WITH
919 FIRST APPEAL NO. 2334 OF 2015
WITH CA/11486/2015 IN FA/2334/2015

THE NATIONAL INSURANCE CO. LTD.
VERSUS
SHANTARAM DHARMA BHAMRE AND OTHERS

...
Advocate for Appellant : Kadethankar Ajit B.
Advocate for Respondents : S S Patil
...

CORAM : P.R. BORA, J.
DATE : 26-10-2016.

P.C. :

1. The present appeals are filed challenging the order passed by the Motor Accident Claims Tribunal, Dhule in M.A.C.P. nos. 872 of 2010 and 873 of 2010 under section 140 of the Motor Vehicles Act.

2. The appellant insurance company has disputed its liability to indemnify the insured on certain grounds. According to the appellant-insurance company, it is not liable even to pay the amount of N.F.L. Compensation. When today the matters were taken up for hearing learned counsel appearing for the original claimants submitted that, in the Motor Accident Claim Petitions

evidence has already been adduced and the matters are now fixed for arguments. In view of the fact that, the claim petitions are likely to be disposed of within few months, I do not see any reason for keeping the present matters pending. It would be in the interest of the parties to agitate all the issues before the tribunal in the final arguments. In the circumstances, without making observations on the merit of the matter, I deem it appropriate to dispose of these appeals by directing the parties to proceed with the claim petition. The learned counsel appearing for the claimants on instruction has submitted that, the claimants will not seek withdrawal of the amount deposited by the insurance company in this court towards N.F.L. Liability, till decision of the claim petitions. In view of the submissions so made following order is passed.

ORDER

- i) The effect of the order passed by the tribunal under section 140 of the Motor Vehicles Act impugned in the present appeals is kept in abeyance till final decision of the claim petitions.
- ii) The Motor Accident Claims Tribunal is directed to expeditiously dispose of the claim petitions preferably within four months from the date of this order.
- iii) Amount of N.F.L. compensation deposited by the appellant-insurance company in this court be transmitted to the

Motor Accident Claims Tribunal, Dhule. As undertaken by the original claimants. They will not seek withdrawal of the said amount till decision of the claim petitions.

iv) With the aforesaid observations the appeals stand disposed of.

(P.R. BORA)
JUDGE

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