

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

(1) FA NO.1962/2010

998 FIRST APPEAL NO. 1962 OF 2010

United India Insurance Company Ltd.,
Through its Divisional Manager,
Osmanpura, Aurangabad.

...APPELLANT
(Original Respondent no.3)

versus

1. Rekha w/o Anil Dandnaik,
Age 34 years, Occu: Household,
R/o Dhoki,
At present Sanja Road, Osmanabad,
District Osmanabad.

AND SIX OTHERS.

...RESPONDENTS

...
Advocate for Applicant : Mr.Mandar Deshmukh h/f Mr.
S.G.Chapalgaonkar.
Respondents served.

...
CORAM : P.R. BORA, J.
Dated: July 22, 2016
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PER COURT :-

1. When the present appeal is taken up for hearing, learned Counsel for the appellant has placed on record the judgment and award passed in M.A.C.P.No.81/2009, by the Motor Accident Claims Tribunal at Osmanabad, on 4th December, 2012. Learned Counsel submitted that the present appeal was filed challenging the order passed by the Tribunal in the

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aforesaid Motor Accident Claim Petition, thereby directing the present appellant to pay amount of No Fault Liability compensation to the respondent nos. 1 to 5. Learned Counsel further submitted that after filing of the appeal, as directed by this Court, amount of Rs.25,000/- (Rs. twenty five thousand) towards No Fault Liability compensation, has been deposited by the appellants in this Court. Learned Counsel submits that now the claim petition has been finally decided by the Accident Claims Tribunal wherein no liability has been fastened on the present appellant. Learned Counsel further brought to my notice that the learned Tribunal has held original respondent no.2, namely, Shrikrishna s/o Hanumant Ghogre responsible even for paying the no fault liability compensation. Learned Counsel, in the above circumstances, has prayed for allowing the present appeal.

2. Respondent nos. 1 to 5 i.e. the original claimants, though duly served, have not entered their appearance in the present appeal. I have carefully gone through the judgment and award passed in the Motor Accident Claim Petition. The Tribunal has exonerated the present appellant from all the liabilities. It is further revealed that even for payment of the No Fault Liability

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compensation, the Tribunal has held respondent no.2 responsible. In view of the finding so recorded by the Tribunal, the present appeal deserves to be allowed. Hence, following order:

ORDER

1. The appeal is allowed. The impugned order stands quashed and set aside. The amount deposited by the Insurance Company in the present matter be refunded to it, if deposited in Fixed Deposit Receipt, along with the interest accrued thereon. Civil Application/s, if any, stand disposed of.

(P.R. BORA, J.)

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