

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

49 CIVIL APPLICATION NO. 3400 OF 2016
IN FAST/7530/2016 WITH CA/3401/2016 IN FAST/7530/2016 WITH
CA/14197/2016 IN FAST/7530/2016

UNITED INDIA INSURANCE CO. LTD.
VERSUS
NEETA KAKASAHEB GANGNE AND ORS

...
Advocate for Applicant : Chapalgaonkar S.g.
Advocate for Respondents : S.N. Patil
Advocate for Respondents : V.D. Gunale for R6

...
CORAM : P.R. BORA, J.
DATE : 24-10-2016.

P.C. :

1. Heard. Subject to outcome of M.A.C.P. No. 09 of 2015, the applicants are permitted to withdraw the amount deposited by the appellant insurance company in this court on furnishing bank guarantee in the like amount of any nationalised bank or scheduled bank. Civil application stand disposed of.

2. Issue notice to the respondents in appeal. Learned counsel Mr. S.G. Chapalgaonkar, appears for original claimants, Mr. Gunale appears for respondent no.2. Mr. S.N. Patil, appears for respondent nos. 1 to 5. Service complete. With the consent of the parties the appeal is taken up for final disposal at the admission stage.

3. Mr. Chapalgaonkar, the learned counsel appearing for the appellant insurance company submitted that, the insurance policy apparently seems to have been purchased after the date of accident

and the insurance company has, therefore, seriously disputed its liability to indemnify the insured. Though, the learned counsel for the original claimants sought to canvass that further scrutiny is required in this matter and this issue needs to be decided. It appears to me that, when the original claim petition is pending and as informed by the learned counsel appearing for the parties is now fixed for evidence, it will be proper for both the parties to agitate their respective objections before the tribunal. I, therefore, see no reason for keeping the present matter pending in this court. I also do not find it proper to make any observation on merit of the matter since it may prejudicially affect the pleas taken by the parties before the tribunal. Hence the following order.

ORDER

- i) The effect of the impugned order is kept in abeyance.
- ii) The tribunal is directed to expeditiously dispose of the claim petition.
- iii) Withdrawal of the amount under N.F.L. Will depend upon the final outcome of the claim petition by the tribunal.
- iv) Appeal stand disposed of in aforesaid terms.
- v) Pending civil application, if any, stand disposed of.