

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

(1) CA NO.13067/2016gr

**921 CIVIL APPLICATION NO. 13067 OF 2016
IN FA/1097/2010
WITH
CA/13354/2016 IN FA/1116/2010
WITH
CA/13355/2016 IN FA/1098/2010**

SALONI TUKARAM MADHE
VERSUS
SATISHKUMAR SHANKAR AND ORS

...
Advocate for Applicant : Mr.Gundre Suraj V
Mr.V.N. Upadhye, Adv., for respondent no.3
Mr.S.N.Pagare, Adv., for respondent no.5.

...
CORAM : P.R. BORA, J.
Dated: October 07, 2016

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PER COURT :-

1. The applicant has filed the present applications with a prayer that the record and proceedings received in the present appeals from the Court of learned Ad hoc District Judge-1 and Ex Officio Member of the Motor Accident Tribunal, Latur, bearing MACP Nos.241/2007, 242/2007, 243/2007 shall be sent back to the said Court.

2. Learned Counsel submitted that the Insurance Company has not challenged the award passed by the Tribunal but has satisfied the award and the amount has been deposited before the Tribunal. Learned Counsel further submitted that the present applicant was

AGP/-

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minor at the time the order was passed by the Tribunal, directing deposit of the amount of her share in the Fixed Deposit Receipt. Learned Counsel further submits that now the applicant has become major and wants to withdraw the said amount which has been directed to be deposited in the Fixed Deposit Receipt. Learned Counsel further submits that since record is not with the Tribunal, the Tribunal has expressed its inability to pass any order. Applicant has, therefore, prayed for sending back Record and Proceeding to the Motor Accident Claims Tribunal, at Latur.

3. In view of the submission so made, following order is passed:

ORDER

1. Record and proceedings pertaining to M.A.C.P.Nos.241/2007, 242/2007, 243/2007 be sent back to the Motor Accident Claims Tribunal at Latur with a direction that after the applications, if any, submitted by the applicant, are disposed of, the said Record and Proceedings shall be re-sent to this Court.

2. Civil Applications disposed of.

(P.R. BORA, J.)

AGP/-