

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

2 FIRST APPEAL NO. 131 OF 2014
WITH CA/433/2014 IN FA/131/2014

BAJAJ ALLIANZ GENERAL INSURANCE CO LTD.
VERSUS
SHANKAR KARBHARI SANGLE AND OTHERS

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Advocate for Appellant : Chapalgaonkar S.G.
Advocate for Respondents : Deshmukh Rajendra S. for R 1 To 3
Advocate for Respondents : Gangakhedkar Shailendra S for R/5

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CORAM : P.R. BORA, J.
DATE : 16-11-2016.

Per Court :

1. Heard the learned counsel appearing for the respective parties. The present appeal is preferred against the order of N.F.L. passed in M.A.C.P. No. 83 of 2013 by Motor Accident Claims Tribunal, Aurangabad on 19.11.2013.

2. When the present matter is taken up for hearing today, counsels appearing for the parties informed that the original claim petition is now fixed for evidence. When the claim petition is now fixed for recording of evidence of the parties, there seems no propriety in continuing the present proceedings further. The objections raised by the appellant in the present appeal can be dealt with by the tribunal and it will be open for the parties to make all necessary submissions on factual as well as legal aspects before the tribunal. Half of the amount of N.F.L. compensation deposited

by the insurance company in this court can also be transmitted to the tribunal and its payment can be made subject to the outcome of the final decision in the claim petition. In the result the following order:

ORDER

- i) The appeal stands disposed of with a direction to the tribunal to expeditiously dispose of the claim petition preferably within a period of six months.
- ii) The payment of the amount of N.F.L. compensation shall be subject to the outcome of the final decision in the claim petition.
- iii) All the legal contentions raised by the parties are kept open.

(P.R. BORA)
JUDGE