

- 1 -

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO.938/2016

**Santram Bhau Belge, died,
through his L.Rs. Vasant Santram
and others.**

...Petitioners..

Versus

Murlidhar Revanath Funde & another.

...Respondents...

.....

Shri Jeevan Patil, Advocate h/f Shri G.B. Rajale,
Advocate for petitioners.

Shri S.R. Andhale, Advocate for respondent nos.1 & 2..

.....

CORAM: T.V. NALWADE, J.

DATE: 14.09.2016

ORDER :

1] This petition is filed by opponents of the Darkhast No.51/2012, which is pending before the Motor Accident Claims Tribunal, Ahmednagar.

2] Heard both the sides.

3] It appears that in a proceeding filed for compensation in respect of death, the Tribunal has given award of Rs.3.30 lakhs with interest at the rate of 7.5% from the date of application. One Santram was the owner of offending vehicle and present petitioners are L.Rs. of said Santram. The application at Exhibit 42 was filed by

- 2 -

his L.Rs. for giving installments. The application was filed in the year 2015 when the execution proceeding was filed in the year 2012. Considering the conduct of the judgment debtor, the Tribunal has rejected the application.

4] The submissions made show that when the award was made in the year 2011, till this date the amount of hardly Rs.92,000/- is paid. If the amount of interest is calculated, the amount due will be more than Rs.4,00,000/-. In view of these circumstances, the Tribunal was required to consider the request and when the discretionary power is involved, this Court holds that the Tribunal has not committed any mistake in rejecting the application. It appears that the claimants are interested in recovering the compensation amount and they are not interested in anything else, but the L.Rs. of Santram, who must have succeeded to the property of Santram, are not making the payment.

5] In the result, the petition is dismissed.

(T.V. NALWADE, J.)