

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
NAGPUR BENCH, NAGPUR.**

FIRST APPEAL NO. 1156 OF 2015

Sajida Begum Wd/o. Mehmood Khan,
Aged about 58 years, Occ.: Household,
R/o. C/o. Alishan Traders, Near
Reliance Petrol Pump, Saoner,
Distt. Nagpur.

.... **APPELLANT.**

// **VERSUS** //

1. Shamimabano Sattar Mohde,

and three others.

.... **RESPONDENTS.**

None for the Appellant.

None for respondent No.1.

Shri R.D.Bhuibhar, advocate for respondent No.2.

Shri A.B.Mirza, advocate for respondent Nos. 3 & 4.

CORAM : Z.A.HAQ, J.

DATED : SEPTEMBER 16, 2016.

ORAL ORDER :

1. None for the appellant. Heard Shri R.D.Bhuibhar, advocate for the respondent No.2 and Shri A.B.Mirza, advocate for the respondent Nos.3 and 4.

2. Raja Samiulla Khan son of the appellant and Farhin Naj daughter-in-law of the appellant died in the accident. The appellant has filed Claim Petition No. 379 of 2013 claiming compensation for death of Farhin Naj. The appellant has filed Claim Petition No.380 of 2013 claiming compensation for the death of Raja Samiullah Khan.

In both the petitions, applications under Section 140 of the Motor Vehicles Act, 1988 were filed. In Claim Petition No. 379 of 2013 the Tribunal has directed that the amount of compensation of Rs.50,000/- be given to the present appellant (mother of Raja Samiullah Khan). In Claim Petition No. 380 of 2013, the Tribunal has directed that the amount of compensation of Rs.50,000/- be given to the present respondent Nos. 3 and 4 (parents of Farhin Naj).

The appellant, being aggrieved by the order passed by the Tribunal directing that the amount of compensation be given to the respondent Nos. 3 and 4 has filed this appeal.

The learned advocate for the respondent Nos. 3 and 4 has submitted that the Insurance Company had deposited the amount of Rs.50,000/- and it is withdrawn by the respondent Nos. 3 and 4.

4. In view of this, I see no reason to interfere with the impugned order at this stage. It is clarified that the conclusions of the Tribunal in the impugned order will not affect the adjudication on merits of the claim petition on the point whether the amount of compensation should be paid to the appellant or to the respondent Nos. 3 and 4 or should be apportioned.

With the above observation, the appeal is disposed of. The parties to bear their own costs.

JUDGE

RRaut..

CERTIFICATE

I certify that this order uploaded is a true and correct copy of original signed order.

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