

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO.5506 OF 2014
(Shrihari Narsoba Jadhav Vs. Murlidhar Kishan Kasbe and others)
WITH

WRIT PETITION NO.5539 OF 2014
(Nikhil Shrihari Jadhav Vs. Murlidhar Kishan Kasbe and others)

Mr.R.P.Adgaonkar, Advocate for the petitioners.
Mr.S.G.Chapalgaonkar, Advocate for respondent No.3.

(CORAM : Ravindra V.Ghuge, J.)

DATE : 12/07/2017

PER COURT :

1. The petitioners in both these petitions are aggrieved by the order dated 28/01/2014 passed by the learned Member, M.A.C.T. Latur by which applications Exh.5 filed by the petitioners seeking interim compensation in MACP No.159/2013 and 158/2013 u/s 166 of the Motor Vehicles Act are directed to be considered alongwith the main claim petitions.

2. I have considered the strenuous submissions of the learned Advocates for the respective sides.

3. The petitioners have been paid some amounts under the 'No fault liability' clause. Applications for interim compensation were

moved u/s 140 of the Motor Vehicles Act. In my view, it cannot be countenanced that such applications, which are aimed at providing some solace to the victims of the accident during the pendency of the claims, be directed to be heard alongwith the main applications. It is not in dispute that the pendency of the matters in such Courts at several places is mounting and despite the intention of the parties, such matters cannot be decided expeditiously in a year or two.

4. The intent and object of the legislation in permitting the claimants to make applications for interim compensation is to ensure that they are able to tide over a dire situation and support the injured person or the family members of the victims. In several cases, the death of the earning member causes loss of earning source for the surviving heirs. I, therefore, find it appropriate to record my displeasure on the part of the learned Member of M.A.C.T. Mr.B.S. Mahajan in not deciding the applications for interim compensation with promptitude.

5. In the peculiar facts of this case, it cannot be ignored that the impugned order is dated 28/01/2014. These petitions had been filed on 03/03/2014. For the past 3 years and 6 months ,the petitioners have faced the situation and are proceeding with the main claim

petitions. It is informed by the learned Advocate for respondent No.3 on the basis of the print out of the case status that in both these cases, the matters are posted for advancing final arguments. However, learned Advocate for the petitioners submit on instructions that the affidavits of the petitioners in lieu of examination-in-chief have been tendered and they are awaiting cross examination.

6. Considering the above, both these petitions stand disposed of by indicating to the learned Member, M.A.C.T. that the applications for interim compensation shall not be kept pending and the same shall be decided with promptitude. The learned Registrar (Judicial) of this Court is requested to circulate this order to all the M.A.C.T. Courts in Maharashtra.

7. The learned Member, M.A.C.T. shall therefore proceed with M.A.C.P. 159/2013 and 158/2013 and would endeavour to decide both the proceedings as expeditiously as possible and preferably on or before 29/12/2017. The litigating sides are precluded from seeking adjournments on unreasonable and trivial grounds.

(Ravindra V.Ghuge, J.)