

IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
BENCH AT AURANGABAD.

21 FIRST APPEAL NO. 2341 OF 2016

NEW INDIA INSURANCE CO. LTD.
VERSUS
SAMPAT ASHRUBA SHELKE AND OTHERS

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Advocate for Appellant : Mr. S. G. Chapalgaonkar.

Advocate for Respondent No.1 to 3 : Mr. Sushant B.Choudhari.

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CORAM : **V. K. JADHAV, J.**

DATE : 10th April, 2017.

ORDER:

. Being aggrieved by the order passed under no fault liability below Exhibit – 5 dated 2nd March, 2016 in MACP No.162 of 2015, the Respondent / Insurer has preferred this appeal.

2 Both the counsel appearing for the respective parties submit that the main claim petition under fault liability pending before the Motor Accident Claims Tribunal, Beed is now taken up for hearing and even the evidence of the Claimants was completed.

3 In view of the above, the learned counsel for the respective parties submit that the Appellant / Insurer as well as the Respondents / Claimants have no objection if the amount under no fault liability deposited before this Court is transferred to the Motor Accident Claims Tribunal, Beed and distribution of the same shall be

subject to the final decision of the Tribunal in the claim petition under the fault liability. In view of the above, the following order is passed:

ORDER

- I) The order passed below Exhibit – 5 dated 2nd March, 2016 in MACP No.162 of 2015, is hereby quashed and set aside.
- II) The NFL amount as awarded by the Tribunal and deposited before this Court pending appeal, shall be transferred to the Motor Accident Claims Tribunal, Beed and distribution of the same shall be subject to the final decision in MACP No.162 of 2015 under the fault liability.
- III) The appeal is accordingly disposed of. No costs.

[V. K. JADHAV, J.]

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