

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

8 FIRST APPEAL NO.1308 OF 2016

Bajaj Allianz General Insurance Co. Ltd.,
Through its Authorized Signatory / Branch Manager,
2nd Floor, Rajendra Bhavan,
Next to L.I.C. Building
Adalat Road, Aurangabad

.. APPELLANT
(Orig. Respondent No.4)

VERSUS

1. Laxmibai W/o. Dattatraya Rakh
Age : 43 years, Occu : Household,
2. Muktabai D/o. Dattatraya Rakh
Age : 23 years, Occu : Education,
3. Vishwambhar S/o Dattatraya Rakh
Age : 21 years, Occu : Education,
4. Vaijnath S/o Tukaram Rakh
Age : 68 years, Occu : Nil,
5. Prayagabai W/o Vaijnath Rakh
Age : 63 years, Occu : Household,
All R/o Hoal, Tal. Kaij,
Dist. Beed
6. Sanskar Tours and Travels
Through its Proprietor,
Ashruba S/o Janardhan Lad
Age : Major, Occu : Business,
R/o. Govindpur, Tal. Kalamb,
Dist. Osmanabad
7. Laxman S/o Baliram Gute
Age : Major, Occu : Driver,
R/o Helamb, Tal. Parali V.
Dist. Beed.

8. National Insurance Co. Ltd.,
Branch Manager, Banch Office,
Beed

.. RESPONDENT

(Nos. 1 to 5 – Orig. Claimant
No. 6 - Orig Respondent. No. 1
Nos.7 & 8 - Orig. Respondents
No.2 & 3)

.....

Advocate for Appellant	:	Shri. Deshmukh h/f
		Shri. S.G. Chapalgaonkar
Advocate for Respondent No.8 :		Shri. A.B. Gatne

.....

WITH

**CIVIL APPLICATION NO.9026 OF 2015
IN FAST/21686/2015**

**CORAM : P.R. BORA, J.
Dated: July 17, 2017**

ORAL JUDGMENT :-

. In the present appeal, the appellant / Insurance Company has challenged the order passed by the Motor Accident Claims Tribunal, at Ambajogai in Motor Accident Claim Petition No.162/2012 under Section 140 of the Motor Vehicles Act, 1988. The Insurance Company has deposited the amount of NFL compensation in this Court as was directed by this Court.

2. Though the original claimants are duly served with the notice of final disposal, none of them has appeared in the matter.

3. Today when the matter was taken up for hearing, the learned Counsel for the Insurance Company informed that, the original claim petition is fixed for adducing evidence in the matter. In the aforesaid circumstances, it appears to me that, without going into merits of the contentions or the objections raised in the present appeal by the Insurance Company, the tribunal can be directed to expeditiously decide the petition before it, wherein it would be open for the Insurance Company to raise all the issues which are raised in the present appeal and the payment of NFL compensation can be made subject to the outcome of the main petition. In view of the above, the following order is passed.

ORDER

1. The Motor Accident Claims Tribunal, Ambajogai is directed to decide the Motor Accident Claim Petition No.162/2012 as expeditiously as possible and preferably within the period of Six Months from the date of this order.
2. The amount of NFL compensation deposited by the Insurance Company in this Court be transmitted to the Motor Accident Claims Tribunal, Ambajogai.
3. The disbursement of the amount of NFL compensation shall be

subject to the outcome of the Motor Accident Claim Petition No. 162/2012.

4. All the objections raised in the present matter by the parties are kept open.

5. The appeal stands allowed in the aforesaid terms.

6. Pending civil application, if any, stands disposed of.

(P.R. BORA, J.)

ggp