

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

FIRST APPEAL NO. 298 OF 2015

BAJAJ ALLIANZ GENERAL INSURANCE CO. LTD.
VERSUS
BABASAHEB BHANUDAS JADHAV AND OTHERS

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Advocate for Appellant : Mr S G Chapalgaonkar
Advocate for Respondents : Mr Tungar Nikhilesh K.

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CORAM : V.K. JADHAV, J.

Dated: January 10, 2017

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PER COURT :-

1. By consent, this appeal is disposed of by giving certain directions to the Tribunal.

2. Being aggrieved by the order passed below Exh.5 by the Member, Motor accident Claims Tribunal, Beed dated 29.3.2014 in MACP No.280/2011 respondent insurer has approached this Court by filing present appeal on the various grounds including the ground that the respondents claimants have amended the claim petition and inserted a totally new registration number of the vehicle involved in the accident contrary to the police papers.

3. Learned counsel for respondent-original claimants submits that, policy of the vehicle involved in the accident has been issued by mentioning Engine number and Chasis number and engine number and Chassis number matches to the vehicle involved in the accident.

4. Both learned counsel agreed that the Tribunal may be directed to dispose of the main claim petition in time bound manner and till then, the amount under 'NFL' deposited by the appellants-insurer before this Court may be transferred to the tribunal and disbursement of the said amount would be subject to judgment and award passed in the application for liability of fault i.e. under section 166 of Motor Vehicles Act.

5. In view of this, following order is passed.

O R D E R

- I. The learned Member of the Motor Accident Claims Tribunal, Beed is hereby directed to dispose of the MACP No.280/2011 within SIX MONTHS from the date of this order.

- II. Amount under order passed below Exh.5 (No Fault Liability) deposited by the appellant-insurer shall be transferred to the Tribunal and disbursement of the said amount would be subject to the outcome of the judgment and Award passed in the main claim petition.
- III. All points kept open.
- IV. First appeal accordingly disposed of.
- V. Record and Proceeding be returned to the tribunal forthwith.

(V.K. JADHAV, J.)

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