

IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
BENCH AT AURANGABAD

FIRST APPEAL NO. 4411 OF 2016

THE NEW INDIA ASSURANCE CO. LTD.  
VERSUS  
SALIM AHMAD HUSAIN SHAIKH AND ANR

...  
Advocate for Appellant : Mr. A.B. Kadethankar  
Advocate for Respondent No.1 : Mr. R.P. Adgaonkar  
Advocate for Respondent No.2 : Mr. V.V. Bhavthankar  
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**CORAM : V. K. JADHAV, J.**  
**DATED : 15<sup>th</sup> FEBRUARY, 2017**

**PER COURT:-**

1. Being aggrieved by the judgment and award dated 29.9.2015 passed by learned Member, M.A.C.T. Ambejogai in M.A.C.P. No. 35 of 2010, the original respondent No.2-insurer has preferred this first appeal to the extent of quantum.

2. During the course of arguments, learned counsel for respondent No.2, owner of the vehicle involved in the accident, across the bar, has tendered a copy of judgment dated 29.8.2016 delivered by this Court (Coram: P.R. Bora, J.) in first appeal No.799 of 2014, filed against the judgment and award dated 23.10.2013 passed by learned Member, M.A.C.T. Latur in M.A.C.P. No. 270 of 2009, arising out of the same accident. Copy of judgment dated 29.8.2016 is taken on record and marked "X" for identification.

3. This Court, by the aforesaid judgment has allowed the said appeal and held that the present appellant-insurer is jointly and severally liable alongwith the owner of the offending vehicle, to pay the amount of compensation, as awarded by the Tribunal to the appellants therein. Learned counsel for the respondents in this appeal submit that in view of the findings recorded by this Court in the aforesaid judgment delivered in first appeal No. 799 of 2014, this appeal is liable to be dismissed.

4. In view of above and for the reasons stated in the judgment dated 29.8.2016 passed by this Court in first appeal No. 799 of 2014, this appeal deserves to be dismissed. This first appeal is therefore, dismissed and disposed of accordingly. No costs.

**( V. K. JADHAV, J.)**

rlj/