

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

FIRST APPEAL ST.NO.34593 OF 2016
WITH CA NO. 15446/2016.

UNITED INDIA INSURANCE CO. LTD.
VERSUS
PALLAVI BHARAT OGALE AND ORS

...

Advocate for Applicant : Mr. Mohit Deshmukh, Adv.
h/for Mr.Chapalgaonkar S.S.

Mr. SB Gastgar, Adv. For Resp.Nos. 1 to 4;
Mr. VG Kadole, Adv. h/for Mr. Mr. Gunale V.D. R/5

CORAM : P.R.BORA, J.

DATE : 10th July,2017.

PER COURT :

1) In view of the order passed on the application for condonation of delay, the present appeal is taken up for final disposal with consent of the parties.

2) The insurance company has filed the present appeal challenging the order passed by the Motor Accident Claims Tribunal, Nilanga (for short, the Tribunal) under Section 140 of the Motor Vehicles Act thereby awarding the compensation to the claimants under No fault liability.

3) Today, when the matter is taken up for hearing, it was brought to the notice of this Court that the original claim petition is now ripe for hearing. The insurance company has submitted the amended written statement taking all defences therein and the matter is now fixed for evidence.

3) Having considered the facts, as aforesaid, it appears to me that without going into merits of the matter, the present appeal can be disposed of by directing the Tribunal at Nilanga to expeditiously decide the original claim petition. The learned Counsel for the original claimants fairly submitted that till decision of the claim petition, the claimants will not seek withdrawal of the amount of No Fault Liability compensation even after the said amount deposited in this Court is transferred to the Tribunal.

4) In view of the submissions so made, following order is passed, -

ORDER

- i) The Tribunal is directed to decide the Claim Petition No.32/2010, as expeditiously as possible and preferably within a period of six months from today, by giving due opportunities to the parties;
- ii) The amount of No Fault Liability compensation deposited by the insurance company in this Court shall be transmitted to the Tribunal at Nilanga;
- iii) The payment of NFL compensation will be subject to outcome of the original claim petition;
- iv) The first appeal stands disposed of in the aforesaid terms.
- v) Pending civil application, if any, stands disposed of.

(P . R . B O R A , J .)

bdv/