

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

WRIT PETITION NO. 21 OF 2016

Sukhshala Prakash Devakate .. Petitioner

Versus

Subhash Anandrao Biradjdar
and others .. Respondents

WITH

WRIT PETITION NO. 22 OF 2016

Taherabai Nazir Shaikh .. Petitioner

Versus

Subhash Anandrao Birajdar
and others .. Respondents

WITH

WRIT PETITION NO. 23 OF 2016

Madina Mehbub Shaikh .. Petitioner

Versus

Subhash Anandrao Birajdar
and others .. Respondents

WITH

WRIT PETITION NO. 24 OF 2016

Karishma Salim Shaikh .. Petitioner

Versus

Subhash Anandrao Birajdar
and others .. Respondents

WITH

WRIT PETITION NO. 25 OF 2016

Prakash Bapurao Devakate .. Petitioner
Versus
Subhash Anandrao Birajdar
and others .. Respondents

WITH
WRIT PETITION NO. 26 OF 2016

Kausar Suriy Shaikh .. Petitioner
Versus
Subhash Anandrao Birajdar
and others .. Respondents

Shri Satish S. Manale, Advocate for the Petitioner in all matters.
None appears for the Respondent No. 4 in all matters.

CORAM : S. V. GANGAPURWALA , J.
DATE : 21ST APRIL, 2017.

PER COURT :

. Though the respondent No. 4 is served, none appears for the respondent No. 4.

2. Mr. Manale, the learned counsel submits that, the petitioners had filed claim petition under provisions of the Motor Vehicles Act (for short "M. V. Act") U/Sec. 140 and also U/Sec. 166 of the M. V. Act. Award U/Sec. 140 of the M. V. Act was passed directing the respondents to deposit Rs. 25,000/-. Both the Insurance Companies have borne 50% liability. The respondent No. 2 settled the matter with the petitioners in proceedings U/Sec. 166 of the M. V. Act. The respondent No. 2 in its say has

stated that, the respondent No. 2 compromised the matter with the claimant, accepting liability U/Sec. 166 of the M. V. Act and including 50% liability of no fault liability amount. Fifty percent liability under the no fault liability amount was borne by the respondent No. 4. The claim petition U/Sec. 166 was disposed of. Award U/Sec. 140 is an independent award. The award U/Sec. 140 of the M. V. Act was in favour of claimants directing the respondent No. 4 to pay the amount. The compromise entered into between the parties i. e. petitioners and the respondent No. 2 is to the extent of petitioner and the respondent No. 2. The petitioners had withdrawn the claim U/Sec. 166 of the M. V. Act against the present respondents. The award U/Sec. 140 of the M. V. Act has become final.

3. Considering the above, the impugned order is quashed and set aside and the applications filed by the respondent No. 4 for withdrawal of amount stand rejected. The writ petitions accordingly disposed of. No cost.

[S. V. GANGAPURWALA, J.]