

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

**FIRST APPEAL NO.1924 OF 2008
WITH
CIVIL APPLICATION NO.5077 OF 2008
IN
FIRST APPEAL NO.1924 OF 2008**

M/s.Bajaj Allianz
V/s.
Shri.Ratanswamy Ganesh
Naidu & Ors.

..Appellant/Applicant
..Respondents

Mr.D.S. Joshi for the Appellant/Applicant.

CORAM : M. S. SONAK, J.

DATE : 20 MARCH 2017.

P.C.

1. The challenge in this appeal is to the order dated 30-06-2008 made by the MACT, awarding an amount of Rs.50,000/- (No Fault Liability) to the respondent-claimants under Section 140 of the M.V. Act, 1988.

2. Till date, service is not effected upon the respondents. The appellant has obtained an ad-interim relief, as a result of which, the claimants have not been able to receive the amount of Rs.50,000/- towards no fault liability.

3. The learned counsel for the appellant submits that in this case, the driver was not covered under the Insurance Policy. At this stage, it is not necessary to go into such issues. The Insurance

Company, has liberty to raise all such issues in the proceedings pending before the MACT, which shall be considered in accordance with law by the concerned MACT.

4. In the meanwhile however, the MACT, to permit the respondents-claimants to withdraw an amount of Rs.50,000/- awarded against no fault liability. However, the withdrawal of such amount shall ultimately abide by the final order made in the Claim Petition.

5. The Registry is directed to transmit the amount of Rs.25,000/- deposited in this Court to the MACT, since, the MACT is in a better position to effect payments to the respondents-claimants.

6. The appeal is disposed of. Ad-interim order is vacated. There shall be no order as to costs.

7. The Civil Application does not survive and the same is also disposed of.

(M. S. SONAK, J.)