

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

**FIRST APPEAL NO.750 OF 2017
WITH
CAF/4315/2014**

National Insurance Co. Ltd. ... Appellant
Vs.
Shri Shivaji Bapu Bankar & Ors. ... Respondents

**WITH
CIVIL APPLICATION NO.1180 OF 2017
IN
FIRST APPEAL NO.750 OF 2017**

Shri Shivaji Bapu Bankar & anr. ... Applicants

IN THE MATTER OF:

National Insurance Co. Ltd. ... Appellant
Vs.
Shri Shivaji Bapu Bankar & Ors. ... Respondents

Mr.Amol Gatne for the Appellant – insurance company
Mr.V.R. Gaikwad for Respondent Nos.1 & 2 in FA and for Applicants
in CAF/1180/2017

CORAM: MRS.MRIDULA BHATKAR, J.

DATE: 4th OCTOBER, 2017

P.C.:

1. The appeal challenges the impugned judgment and order dated 29.10.2013 passed by learned Member, Motor Accident Claims Tribunal, Satara in MACP No.136 of 2008 thereby granting compensation of Rs.10,45,000/- with interest @ 6% p.a. The original

claimants are the parents of the deceased. After going through the impugned judgment and especially in paragraph 4 thereof, the learned Judge has mentioned that the applicants were not attending the hearing of this matter and no evidence has been adduced by them. Thus, on the basis of the FIR and Spot Panchanama and also other documents, the Tribunal has granted compensation of Rs.10,45,000/- with interest @ 6% p.a.

2. Under such circumstances, I am of the view that it is proper to remand the matter with specific directions of expediting the matter. Accordingly, the following order is passed:

- i) The impugned order dated 29.10.2013 passed by the learned Member, Motor Accident Claims Tribunal, Satara in MACP No.136 of 2008 is set aside and the matter is remanded to the Motor Accident Claims Tribunal, Satara.
- ii) The parties shall appear before the Motor Accident Claims Tribunal on 6.10.2017 at 11am.
- iii) The Member, Tribunal, Satara shall take note that the accident has taken place in 2008 and since then, the applicants/parents have not received any amount. Thus, this

matter shall be taken up for hearing on an urgent basis and to be decided preferably on or before 31.12.2017.

3. The learned Counsel for the insurance company submits that he has deposited the entire amount of compensation i.e., Rs.14,46,532/- on 7.2.2015 and the amount is lying with the Motor Accident Claims Tribunal. Further, the amount of Rs.25,000/- deposited in this Court at the time of filing this appeal is also to be transferred to the Motor Accident Claims Tribunal, if not transferred already. In view of this, the said amount shall be invested in a Fixed Deposit with a nationalised bank. Parties are at liberty to lead evidence.

4. First Appeal and the Civil Applications are disposed of accordingly.

(MRIDULA BHATKAR, J.)