

IN THE HIGH COURT OF JUDICATURE AT BOMBAY:
NAGPUR BENCH : NAGPUR
Civil Application [CAF] No.428 of 2017
IN
First Appeal St. No.26303 of 2016
[Vijay Pundlikrao Jamgade Vs. Aniket Ashok Khobragade]

Office Notes, Office Memoranda of
Coram, appearances, Court's orders
or directions and Registrar's orders.

Court's or Judge's orders

Mr. S. G. Karmarkar, Adv., for the applicant.
Ms. Pathade, Adv., for the respondent sole.

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CORAM : A. S. CHANDURKAR, J.

DATE : 15th March, 2017

Though the prayer for condoning the delay is opposed by the learned counsel for the non-applicant, considering the reasons mentioned, the delay stands condoned.

Civil Application is allowed and disposed of.

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First Appeal St. No. 26303 of 2016 :

By this appeal filed under Section 173 of the Motor Vehicles Act, 1988 [for short, "the said Act"] , the appellant has challenged the order passed by the Motor Accident Claims Tribunal, Nagpur, under Section 140 of the said Act, by which an amount of Rs.25,000-00 has

been awarded to the respondent on principle of 'No Fault'.

Shri Karmarkar, learned counsel for the appellant, submitted that the Certificate dated 30th March, 2015 has been obtained by the respondent subsequent to his treatment at the concerned hospital. He submitted that though the respondent was discharged on 7th December, 2013, the Certificate is dated 30th March, 2015.

Considering the fact that the impugned order has been passed under Section 140 of the said Act, at this stage, the aforesaid defence cannot be gone into. By observing that it would be open for the appellant to raise this defence along with other defences available while contesting proceedings under Section 166 of the said act, the appeal is disposed of. No costs.

The respondent is entitled to receive the amount deposited by the appellant along with accrued interest. Needless to state that this adjudication is subject to final adjudication in proceedings under Section 166 of the said Act.

Judge