

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

WRIT PETITION NO. 1387 OF 2018

M/S SHRIRAM GENERAL INSURANCE COMPANY LIMITED THROUGH  
THE BRANCH MANAGER

VERSUS

KIRAN DADABHAU KEDARE AND ANOTHER

...

Advocate for the Petitioner : Shri Chapalgaonkar S.G..

Advocate for Respondent 1 : Ms.Sonwane Sunita.

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**CORAM: RAVINDRA V. GHUGE, J.**

**DATE :- 05<sup>th</sup> February, 2018**

**Per Court:**

1            In the peculiar circumstances, this matter is heard for a short time.

2            The learned Advocate for the Petitioner / Insurance Company submits that the Motor Accident Claim Petition No.495/2015 was pending before the Motor Accident Claims Tribunal, Ahmednagar. It was taken up in Maha Lok-Adalat on 08.07.2017. As the Claimant had suffered an accident which resulted in Quadriplegia, the Insurance Company agreed to pay the compensation amount of Rs.5 lac inclusive of no fault liability. Later on, it was revealed that the Claimant/ Driver has been granted the licence by the Deputy Regional Transport Office, Ahmednagar to drive a heavy vehicle thereby, prima facie, disproving that he had Quadriplegia.

3 I am not required to go into the rival contentions of the parties as the learned Advocate for Respondent No.1/ original Claimant submits that the order of the Maha Lok Adalat Panel-3, Motor Accident Claims Tribunal, Ahmednagar dated 08.07.2017 be set aside by consent and the proceedings be remitted back to the learned Motor Accident Claims Tribunal, Ahmednagar. It is clarified that the amount of compensation as was agreed before the Maha Lok Adalat has still not been delivered to the original Claimant.

4 It is informed jointly that Respondent No.2 herein is a formal party and is neither the contesting Respondent nor was a party to the settlement before the Maha Lok Adalat.

5 Considering the above, by consent, this Writ Petition is allowed and the impugned order dated 08.07.2017 is set aside. The proceedings in MACP No.495/2015 are restored to the file of the Motor Accident Claims Tribunal, Ahmednagar. The Petitioner and Respondent No.1 agree to appear before the said Tribunal on 23.02.2018 and formal notices need not be issued. However, the notice may be issued by the Tribunal to Respondent No.2 herein.

6 At the request of the learned Advocates, all contentions of the parties are kept open for the Tribunal to consider them on merits.