

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

901 WRIT PETITION NO. 1486 OF 2006

SUNILDATTA SAHEBRAO YEMPURE
VERSUS
PARWATIBAI DAGDUBA WALEKAR AND ANR.

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Advocate for Petitioner : Shri Gaikwad Amol R.
Advocate for Respondent 1 : Shri Nagargoje A.N.
Advocate for Respondent 2 : Shri Chapalgaonkar S.G.

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CORAM : RAVINDRA V. GHUGE, J.
Dated: October 04, 2018

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PER COURT :-

1. The petitioner seeks to challenge an order passed by the Motor Accident Claims Tribunal dated 15.9.2003 under Section 140 of the Motor Vehicles Act.

2. The Honourable Apex Court, in the matter of Yallwwa and others Vs. National Insurance Co. Ltd. and another [(2007) 6 SCC 657], has framed the issue in paragraph No.2, as to whether an order passed under Section 140 of the Motor Vehicles Act, 1988 can be said to be an appealable order. In paragraph No.29 of the said judgment, it is concluded that an order of the Tribunal awarding compensation under Section 140 is appealable under Section 173 of the said Act, as it would amount to an award.

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3. Learned counsel for the petitioner seeks leave to withdraw this petition with liberty to avail of the remedy. It is prayed that the time spent by the petitioner in this Court be considered for condonation of delay.

4. In view of the above, this petition is disposed off as withdrawn, with liberty to avail of the remedy as is provided in law. The time spent by the petitioner from 30.1.2006 till today shall be a ground for condonation of delay, if the appeal proceedings are initiated within four weeks from today.

(RAVINDRA V. GHUGE, J.)

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