

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

**928 CIVIL APPLICATION NO. 4448 OF 2016
IN FAST/9391/2016 WITH CA/4449/2016 IN
FAST/9391/2016**

THE MANAGER, BAJAJ ALLIANZ GENERAL INSURANCE CO. LTD.
VERSUS
SOPANRAO GANPATRAO KADAM AND ANR

...
Advocate for Applicant : Shri M.R.Deshmukh h/f.
Shri S.G.Chapalgaonkar
Advocate for Respondent No.1 : Shri S.R.Bagal
...

CORAM : P.R.BORA, J.

DATE: 19th September, 2018

PER COURT:-

- 1 For the reasons stated in the application, which according to me are just and sufficient, the delay of 238 days occurred in filing the appeal, is condoned.
- 2 The appeal be registered in accordance with law.
- 3 On registration of appeal, issue notice to the respondents. Shri S.R.Bagal, learned Counsel waives service for respondent No.1/original claimant. Service complete.
- 4 The appeal is immediately taken up for hearing. It is brought to the notice of the Court that the final award has been passed in Motor Accident Claim Petition No.146 of 2013 on 19.04.2018. In the present appeal, the order passed under Section 140 of the Motor Vehicles Act, in the same Claim Petition,

is challenged.

5 In view of the fact that now the Claim Petition has been finally disposed of, the present appeal has become infructuous.

6 It is further brought to my notice that the Insurance Company has satisfied the award passed in the said matter meaning thereby that the objections raised in the present appeal are waived by the Insurance Company.

7 In the aforesaid circumstances, the present First Appeal stands dismissed.

8 The amount deposited by the appellant Insurance Company of Rs.25,000/- in this Court, be transmitted to the Motor Accident Claims Tribunal at Parbhani, so as to facilitate its withdrawal by the claimant.

9 Civil Application No.4448 of 2016 is disposed of.

10 Pending Civil Application, if any, stands disposed of.

(P.R.BORA)
JUDGE

SPT