

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

919 CIVIL APPLICATION NO. 15328 OF 2017
IN
FIRST APPEAL NO. 26314 OF 2017

GANGASAGAR BALAJI BHOSLE & ORS.
VERSUS
DILIP DNYANOBA DOMBE & ANR.

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Mr. M.P.Ambekar, Advocate for Applicants.

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CORAM : K.K.SONAWANE, J.

DATE : 28th JUNE, 2018

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ORAL ORDER :

1. Heard the learned counsel for the applicants. No one else appear on behalf of the respondents. Perused the application.

2. The application is filed seeking directions to the respondent No. 2 not to recover the amount of Rs. 50,000/- as per the directions of the learned Tribunal. Admittedly, the learned Tribunal, Parbhani under the impugned Judgment and Award passed on 30/05/2017 in M.A.C.P. No. 185/2015 was pleased to dismiss the claim petition filed by the claimants and held that respondent No. 2 – Insurance Company is entitled to recover the no fault liability amount of Rs. 50,000/-, if any, deposited in this Court. Being aggrieved by the findings of the Tribunal, the appellant has preferred First Appeal No. 5104 of 2017 and put in question the findings expressed by the Tribunal. In such circumstances, there is no impediment to allow the application restraining the respondent No. 2 Insurance Company for recovery of amount of Rs. 50,000/-, if any, deposited in this Court.

3. Hence, the application stands allowed in terms of prayer

clause 'B'. Respondent No. 2 Insurance Company is hereby restrained to recover the amount of Rs. 50,000/-, if any, deposited in this Court till decision of the present Appeal. Accordingly, the application stands disposed of in above terms.

[K.K.SONAWANE]
JUDGE

KNP/C.A. 15328.2017 in F.A. St. 26314.2017