

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

**1061 CIVIL APPLICATION NO.8910 OF 2018
IN FAST/13761/2018
WITH CA/256/2019 IN FAST/13761/2018**

FUTURE GENERALI GENERAL INURANCE COMPANY LTD., THR ITS
MANAGER
VERSUS
SANTOSH HARI THAKRE AND ORS

...
Advocate for Applicant : Shri Swapnil Patil h/f. Shri R.H.Dahat
Advocate for Respondent No.1 : Shri M. M.Bhokarikar
Advocate for Respondent Nos.2 & 3 : Shri Mobin H. Shaikh

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CORAM : P.R.BORA, J.

DATE: 15th February, 2019

PER COURT:-

1. Heard learned Counsel appearing for the parties.
2. For the reasons stated in the application for condonation of delay, which according to me are just and sufficient, delay of 321 days caused in filing the appeal is condoned. Civil Application No.8910 of 2018 stands disposed of.
3. Appeal be registered in accordance with law.
4. After registration of appeal, issue notice to the respondents. Shri M.M.Bhokarikar, learned Counsel waives service of notice for respondent No.1 and Shri M.H.Shaikh,

learned Counsel waives service of notice for respondent Nos.2 and 3.

5. With the consent of the parties, the matter is taken up for final hearing at the admission stage.

6. By filing the present appeal, the appellant Insurance Company has questioned the order dated 14.03.2017 passed by the Motor Accident Claims Tribunal at Jalgaon under Section 140 of the Motor Vehicles Act, 1988, in Motor Accident Claim Petition No.308 of 2012. The learned Counsel for the appellant Insurance Company submits that defence of the Insurance Company is that the fake policy has been produced on record.

7. Though, the learned Counsel is not in a position to state at what stage the claim petition is before the Tribunal, it can be reasonably inferred that since the claim petition is of the year 2012, it must have been ready for hearing. It appears to me that without going into merits of the objections raised in the present appeal, it would be in the interest of justice to direct the Motor Accident Claims Tribunal, Jalgaon, to decide the claim petition filed before it as expeditiously as possible. The payment of compensation under 'no fault liability' will be subject to final

outcome of the claim petition. In the result, the following order is passed:-

ORDER

I) The Motor Accident Claims Tribunal, Jalgaon, is directed to decide Motor Accident Claim Petition No.308 of 2012 filed before it as expeditiously as possible and preferably within four months from the date of receiving copy of the order of this Court.

II) The execution of the order passed under the 'no fault liability' shall be subject to final outcome of the claim petition.

III) The amount deposited in this Court by the Insurance Company be transmitted to Motor Accident Claims Tribunal, Jalgaon.

IV) The appeal stands allowed in the aforesaid terms.

V) Pending civil application stands disposed of.

(P.R.BORA)
JUDGE

SPT