

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO.20 OF 2019

SHRIRAM GENERAL INSURANCE COMPANY LTD
VERSUS
RAM CHAGAN PHULARI PHULARE AND OTHERS

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Advocate for Petitioner : Shri Chapalgaonkar S.G.
Advocate for Respondents 1 & 2 : Shri Gandhi A.S.

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CORAM : RAVINDRA V. GHUGE, J.
Dated: December 05, 2019

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PER COURT :-

1. The petitioner / original respondent No.2 in MACP No.361 of 2016, is aggrieved by the order dated 3.8.2018 passed below Exhibit 27 and the order dated 12.11.2018 passed below application Exhibit 30, by which, the defense of the petitioner has been struck off since the no fault liability amount was not deposited within a specified time.

2. I have considered the submissions of the learned Advocates for both the sides and have gone through the petition paper book with their assistance.

3. There is no dispute that the Tribunal had directed the

petitioner, vide order dated 23.10.2018, to deposit the no fault liability amount along with interest within ten days. On 12.11.2018, the petitioner moved an application stating that the no fault liability amount of Rs.50,000/- along with accrued interest of Rs.7064/- would be shortly deposited in the Court. The cheque No. 24760 was also mentioned and enlargement of time was sought, which was refused by the trial Court.

4. It is equally undisputed that the amount of Rs.57064/- includes the interest till the date on which the cheque was prepared. The claimants have already withdrawn the said amount.

5. In the light of the above, this petition is allowed in terms of prayer clause “B”, which reads as under:-

“ By issuing writ of certiorari or any other appropriate writ, order or direction in like nature, impugned orders dated 3.8.2018 and 12.11.2018 passed below Exh. 27 & 30 respectively in MACP No.361/2016 pending before Hon’ble Motor Accident Claims Tribunal, Ahmednagar, may kindly be quashed and set aside.”

6. In view of the above, MACP No.361 of 2016 shall be relegated to the stage of cross-examination of the claimants’ witnesses at the behest of the petitioner. An amount of Rs.8000/- shall be deposited

by the petitioner before the Tribunal on/or before 10.1.2020 and the two claimants shall withdraw the said amount without conditions, in equal proportions. The Tribunal would allow the petitioner to cross-examine the claimants' witnesses and lead evidence.

7. The proceedings shall be decided expeditiously and in any case on/or before 31.7.2020.

(RAVINDRA V. GHUGE, J.)

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