

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

FIRST APPEAL NO. 814 OF 2002

Charu Parambir Chekutty	Appellant
V/s.	
Dattatraya V. Dhokale and ors.	Respondents

Mr. Nikhil Pujari i/b. Mr. P.N. Joshi for the appellant.
Mr. Uday Badadare i/b. Mr. R.P. Behere for respondent no.2.

**CORAM : SMT. ANUJA PRABHUDESSAI, J.
DATED : 27th AUGUST, 2019**

P.C.:-

. The appellant herein has challenged the order dated 04/01/2000 whereby the learned Member, MACT, Nashik has allowed the application under Section 140 of Motor Vehicles Act filed in MACP No.602/1998 and directed the opponent no.2-owner to pay to the claimants an amount of Rs.25,000/- with interest @ 12 % p.a.

2. It is stated that the appellant has already deposited an amount of Rs.25,000/- and that the same has been paid to the respondent – injured. It has also been brought to my notice that the claim petition is still pending before MACT, Niphad. It is seen that the Tribunal has directed the appellant to pay the said compensation as he had allowed his minor son to drive the vehicle without a valid driving license.

3. Considering that the claim petition is pending before the MACT, Nashik and considering the object of order under section 140 of the Act, I am not inclined to interfere with the order at this stage. Suffice it to say that in the event it is held that the Insurance Company is liable to indemnify the insured, the appellant will be at liberty to recover the said amount from the insurance company.

4. First Appeal stands disposed of.

5. Since the Claim Petition is of the year 1998, the MACT, Nashik, to endeavour to dispose of the said petition as expeditiously as possible and in any event within a period of three months from the date of receipt of this order.

Preeti H.
Jayani

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Preeti H. Jayani
Date: 2019.10.04
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(SMT. ANUJA PRABHUDESSAI, J.)