

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

920 CIVIL APPLICATION NO.9274 OF 2009
IN/WITH FAST/20175/2009 WITH CA/9275/2009 IN FAST/20175/2009

UNITED INDIA INSURANCE CO. LTD THROUGH ITS DIVISIONAL
MANAGER, AURANGABAD DIVN. AURANGABAD

VERSUS

MR. KASHINATH S/O. SHIVAJI GAWARE AND ORS.

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Advocate for Applicant : Mr. Gatne Atul B.

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CORAM : V. K. JADHAV, J.
DATED : 31st AUGUST, 2021

PER COURT:-

1. Learned counsel for the applicant insurer submits that during pendency of this application seeking condonation of delay, the Tribunal has decided the claim under Section 166 of Motor Vehicles Act on 10.5.2013. This application is filed for condonation of delay caused in filing appeal against the award passed under Section 140 of the Motor Vehicles Act. It appears that if the tribunal has disposed of the main claim petition preferred under Section 166 of the Motor Vehicles Act, even if it is allowed or dismissed, the appeal preferred by the applicant insurer against the award passed under Section 140 of M.V. Act for which delay has occurred has become infructuous.

2. In view of above, this civil application is disposed of as infructuous.

3. Needless to say that the appeal preferred alongwith this

application is also disposed of, as it is yet to be registered. The applicant insurer is entitled for refund of statutory deposit of Rs.12,500/- and further amount of Rs.12,500/- deposited by the applicant insurer while complying with the order of interim stay.

4. The applicant insurer is also entitled for the refund of court fees as per Rules.

5. In view of above, nothing survives for consideration in civil application No. 9275 of 2009 and the same is also disposed of.

(V. K. JADHAV, J.)

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