

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH AT NAGPUR

FIRST APPEAL NO.132 OF 2009

[Prashant s/o Ganmukulwar .vs. Manager, United India New Assurance Company Limited and others]

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders

Court's or Judge's orders

CORAM: M.S. SONAK, J.

DATED: DECEMBER 10, 2021.

P.C.

Heard Mr. Malke, the learned counsel for the appellant.

2. Mr. Malke points out the challenge in this appeal to the impugned award dated 1.9.2008 made by the Motor Accident Claims Tribunal (Tribunal), Gadchiroli in Claim Petition No.17/2005 to the extent that the Tribunal failed to make a 'pay and recover' order, but directed the appellant-owner to deposit entire awarded amount.

3. Mr. Malke admits that the appellant-owner deposited this amount in this court and the same is already been withdrawn by the claimant.

4. Since the challenge was only to the extent that the Tribunal had not made a 'pay and recover' order, this subsequent event renders the present appeal infructuous. Even assuming that Malke's contentions were to be accepted

and some 'pay and recover' orders were to be made, the deposited compensation would then have to be made over to the insurance company. This again would not serve the purpose of the appellant.

5. Therefore, on account of this development, this appeal is disposed of as infructuous. There shall be no order for costs. Interim order, if any, stands vacated.

[M.S. SONAK, J.]

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ABHIMANYU SHANKARRAO
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