

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

**FIRST APPEAL NO. 826 OF 2003
WITH
CIVIL APPLICATION NO. 6601 OF 2003
WITH
FIRST APPEAL NO. 3421 OF 2008**

New India Assurance Co. Ltd.,
Through it's Divisional Manager, Aurangabad ..APPELLANT

VERSUS

Venkat Ramrao Kanote and Another ..RESPONDENTS

....
Mr.S.S. Dargad, Advocate h/f Mr.S.S. Chapalgaonkar, Advocate for appellant
....

**CORAM : R.G. AVACHAT, J.
DATE : 21st NOVEMBER, 2022**

PER COURT :

1. The challenge in the first appeal, no. 826 of 2003, is to a judgment and award dated 21st March, 2003 passed by a Member, Motor Accident Claims Tribunal, Nanded in Motor Accident Claims Petition No. 349 of 2000. Vide the impugned judgment and award, a sum of Rs.28,880/- came to be awarded as compensation alongwith 9% p.a. interest thereon on account of injury and permanent disability suffered in an accident involving the motor vehicle.

2. Respondent No.1 – claimant was travelling in a tempo, bearing Registration No. MH-24-A-3227 (goods vehicle) on 21st September, 1999. It

was his case that he was travelling carrying his own goods and domestic articles. The said tempo met with an accident. He suffered multiple injuries. The parties to the claim petition laid evidence. On appreciation of evidence, the tribunal passed the impugned award.

3. After having heard learned counsel for the appellant – insurance company, this Court is not inclined to interfere with the impugned award on the ground of amount of compensation awarded thereunder. It is made clear that this Court has not gone into the submissions made by learned counsel for the appellant, nor has considered the evidence in the matter.

4. First Appeal No. 3421 of 2008 is not on board. Mentioned. Upon mentioning taken on board.

5. The challenge in First Appeal No. 3421 of 2008 is to the order granting compensation under 'No Fault Liability Claim'. Since First Appeal No. 826 of 2003 is being dismissed, nothing survives in this appeal. The said appeal is liable to be disposed of as becomes infructuous.

6. In view of above, following order is passed :-

ORDER

- (I) First Appeal No. 826 of 2003 stands dismissed.
- (II) In view of dismissal of First Appeal No. 826 of 2003, nothing survives in the civil application. Same stands disposed of accordingly.

- (III) First Appeal No. 3421 of 2008 becomes infructuous in view of dismissal of First Appeal No. 826 of 2003 and hence stands disposed of.
- (IV) The amount of compensation, if any, in deposit with this Court be paid to Respondent No.1 – claimant immediately with interest accrued thereon.

(R.G. AVACHAT, J.)

SSD