

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

3 FIRST APPEAL NO.1796 OF 2019

**WITH CA/7297/2019 IN FA/1796/2019
WITH CA/13632/2021 IN FA/1796/2019**

**BAJAJ ALLIANZ GENERAL INSURANCE CO. LTD., THR ITS
AUTHORIZED SIGNATORY AURANGABAD
VERSUS
MATEEN NAJIR INAMDAR AND ANR.**

...
Advocate for Appellant : Mr.Mohit R. Deshmukh
Advocate for Respondent No. 1 : Mr. Khutwad Manoj R.
...

CORAM : SANDIPKUMAR C. MORE, J.

DATE : 28.11.2022.

PER COURT :

1. The learned counsel for the appellant/insurance company submits that the challenge in this appeal is to the order passed by learned Tribunal under Section 140 of the M.V.Act. However, he further submits that if the learned Tribunal is directed to decide the main claim petition under Section 166 of the M.V.Act, then the order passed under Section 140 of the M.V.Act can be subjected to the final outcome of the main petition. The learned counsel for the claimant also consented for the same.

2. In view of the same, the appeal stands disposed of along

with all the pending Civil Applications with directions to the concerned MSEB to decide the main claim petition under Section 166 of the M.V.Act as early as possible and the withdrawal of the award amount passed under Section 140 of the M.V.Act in the said matter, be subjected to final outcome of the main Claim Petition. The amount as per order of learned Tribunal under Section 140 of the M.V.Act be remitted back to the concerned Tribunal and it should not be disbursed till final decision of the main Claim Petition. The Record and Proceedings be sent back to the concerned Tribunal forthwith.

(SANDIPKUMAR C. MORE)
JUDGE

mahajansb/