

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

FIRST APPEAL NO. 1739 OF 2011

ICICI General Insurance Company Ltd.,
ICICI Bank Tower,
Bandra-Kurla Complex,
Bandra (E), Mumbai 400 051,
through its Branch Manager. Appellant

Versus

01 Santosh Ramrao Ghuge,
age: 29 years, Occ: Agril.;

02 Sanjiwani Santosh Ghuge,
age: 24 years, Occ: Household,

Both R/o Itoli, Tq. Jintoor,
District Parbhani.

03 Gangadhar @ Vithal s/o
Prabhuappa Gabale,
age: 30 years, Occ: Business,
R/o Itoli, Tq. Jintoor,
District Parbhani. Respondents

Mr. S. S. Patil, advocate advocate for the Appellant
Mr. Kartik D. Mundhe, advocate for Respondents No.1 & 2.
Mr. S. B. Sontakke, advocate for Respondent No.3.

CORAM : SANDIPKUMAR C. MORE, JJ.

DATE : 28th July, 2022.

PC :

The learned Counsel for the appellant submits that at
present no Civil Application is pending in this matter. However,

while disposing of the Civil Application for stay, this Court has stayed the proceedings of MACP No. 304 of 2008, pending before the learned Tribunal at Parbhani. The appellant-Company has also deposited the entire amount of interim award under no fault liability along with interest while preferring this appeal, at the time of obtaining stay order. The original claim, being old in nature, needs to be tried expeditiously to avoid any further delay as the original claimants belong to rural area. The learned Counsel for the appellant also proposes that the no fault liability amount lying with this Court be transferred to the learned Motor Accident Claims Tribunal, Parbhani with direction to the Tribunal to decide the main claim expeditiously and the withdrawal of no fault liability amount would be subject to the final outcome of the claim petition. The learned Counsel for the Respondents-claimants is also agree for the same. Both of them submit that in view of such directions, the present appeal also can be disposed of.

2 In view of the submissions of the learned Counsel for the respective parties, the deposited amount of no fault liability, lying with this Court along with accrued interest thereon, be transferred to the concerned MACT, Parbhani with direction to the learned Tribunal to re-invest the same immediately in Fixed

Deposit in any Nationalised Bank. Further, the withdrawal of such amount would be subject to the final outcome of the original MAC Petition No. 304 of 2008. The learned MACT, Parbhani, is directed to decide the said MAC Petition expeditiously and preferably within one year after the appearance of the rival parties. The rival parties are hereby directed to appear before the learned MACT, Parbhani, on or before 30th August, 2022. The R. & P. of the original Claim Petition be sent back to the Tribunal forthwith. The earlier order of stay, granted by this Court, staying further proceedings of the original MACP, is hereby vacated.

3 The appeal, thus, stands disposed of.

(SANDIPKUMAR C. MORE)
JUDGE

adb