

IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
BENCH AT AURANGABAD.

944 FIRST APPEAL NO. 2368 OF 2020

TATA AIG GENERAL INSURANCE CO. LTD., AURANGABAD
VERSUS
PUNAM GANESH BORSE AND OTHERS

...
Advocate for Appellant : Mr. S. S. Patil.

Advocate for Claimants : Mr. Ajay D. Pawar.

...

CORAM : **SHRIKANT D. KULKARNI, J.**

DATE : 05th May, 2022.

PER COURT:

. This appeal is directed against the impugned order of interim compensation passed by the Tribunal under Section 140 of the Motor Vehicles Act, 1988.

2 Heard Mr. S. S. Patil, learned counsel for appellant and Mr. Ajay Pawar, learned counsel for the original claimants.

3 The order passed below Exhibit-5 regarding interim compensation is challenged by way of this appeal. It would be appropriate to dispose of this appeal with directions to the Tribunal to decide the main claim and the amount of NFL would be subject to the final decision in the MACP. So far as NFL amount deposited in this Court is concerned, the claimants can be allowed to withdraw the

same subject to final decision in the MACP. With these observations, the appeal is disposed of as under:

ORDER

- I. The appeal stands disposed of.
- II. The Member, MACT, Dhule shall proceed to decide MACP No.50 of 2019 on its own merits.
- III. The claimants are entitled to withdraw the amount of NFL of Rs.50,000/- alongwith interest deposited in this Court.
- IV. The NFL amount of Rs.50,000/- with accrued interest thereon shall be transferred to the MACT, Dhule for making payment thereof to the respective claimants as per the procedure.
- V. The said payment of NFL amount of Rs.50,000/- alongwith interest shall be subject to the final decision in MACP No.50 of 2019.
- VI. Accordingly, the appeal and civil application stand disposed of.
- VII. Inform to the concerned Tribunal accordingly.

[SHRIKANT D. KULKARNI, J.]