

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

44 FIRST APPEAL NO.2767 OF 2023
WITH CA/1243/2021 IN FA/2767/2023

NILESH MANIKRAO KALE
VERSUS
ROHIDAS MAMTU RATHOD AND ORS

...
Advocate for Appellant : Ms. Asha D. Rakh
Advocate for Respondent Nos.1 & 2 : Mr. P. F. Patni
....

**CORAM : SANDIPKUMAR C. MORE, J.
DATED : 24/07/2023.**

P. C. :

1. Heard rival submissions.
2. The learned counsel for the appellant submits that in all four appeals including this, were filed by the same appellant, who was shown owner of the vehicle. However, it was contended by him that on the day of accident he had already transferred the offending vehicle but the said fact could not be brought on record at the time of hearing of the respective claim petitions.
3. This court vide order dated 18/10/2022 has remanded three appeals back to the learned tribunal by observing the aforesaid contention of the present appellant. Under such circumstances, the same order will be applicable in the present appeal. As such, following order is passed.

ORDER

- a) The appeal is partly allowed.
- b) The impugned judgment and award passed by the learned MACT, Aurangabad is hereby set aside and the matter is

remanded back to the aforesaid MACT for fresh hearing alongwith other matters which are already pending before it.

- c) The parties are at liberty to adduce fresh evidence in support of their contentions, if required.
- d) The record and proceedings, if received in this court, be sent back to concerned MACT forthwith and the amount deposited by the appellant in this court be transmitted to the concerned MACT forthwith alongwith the interest.
- e) Civil applications, if any, stand disposed of.
- f) The learned Tribunal is requested to follow the same timeline in disposing this matter as directed under order dated 18/10/2020.
- g) The appeal is accordingly disposed of.

(SANDIPKUMAR C. MORE, J.)