

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

INTERIM APPLICATION NO.9364 OF 2024
IN
FIRST APPEAL (ST) NO.17996 OF 2021

Reliance General Insurance Co. Ltd., Applicant
Mumbai

V/s.

Sabiha Akhtar Ahmad Khan & Anr. Respondents

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Mr.Pandit Kasar, for the Applicant.

CORAM : ARUN R. PEDNEKER, J.

DATE : 23rd JULY 2024

P.C:-

INTERIM APPLICATION NO.9364 OF 2024

1. For the reasons stated in the Application No.9364 of 2024, the Appeal is restored.

2. The Application is allowed and disposed of.

FIRST APPEAL (ST) NO.17996 OF 2021

3. Heard the learned counsel appearing for the appellant.

4. No appeal against the order passed by the Motor Accidents Claims Tribunal under Section 140 of the Motor Vehicles Act, 1988, is maintainable under Section 173(2) of the Motor Vehicles Act, 1988. So also this Court, while dealing with similar situation in First Appeal Stamp No.14464 of 2024 has passed a detailed order dated 8th July 2024 covering the above issue. The same would also be applicable to the instant case. The order passed in First Appeal Stamp No. 14464 of 2024 is made applicable to the present case.

5. In view of above, I pass the following order :

- (i) The appeal is dismissed.
- (ii) The contentions of both the parties are kept open. Both the parties can lead evidence in support of their contentions at the time of hearing under Section 166 of the Motor Vehicles Act, 1988.
- (iii) The statutory amount be transferred to the Tribunal along with accrued interest

thereon. The parties are at liberty to withdraw it, as per Rule.

(iv) The claimants are permitted to withdraw the amount along with accrued interest thereon.

(v) All pending applications stand disposed of.

(ARUN R. PEDNEKER, J.)