



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

FIRST APPEAL NO.555 OF 2019

New India Assurance Co. Ltd. Vs. Bhujang s/o Trambak Kapse and another

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's Orders.

Court's or Judge's orders.

Shri B.P. Bhatt, Advocate for appellant.

CORAM : M.W. CHANDWANI, J.

DATE : JULY 04, 2024.

Heard Shri Bhatt, the learned counsel for the appellant. None appears on behalf of the respondents, though this Court had issued a notice to the respondents by order dated 03.04.2019 before admission and by order dated 04.01.2020 the appeal came to be admitted. It is clear from the office note that all the respondents are duly served.

2. Though the point involved in this first appeal is a short one, it would not be necessary to decide the same in this first appeal as the respondents are not represented in this Court by their counsel and the appellant has challenged the order directing the appellant to pay the amount of Rs.25,000/- to the claimants towards compensation on an application filed under Section 140 of the Motor Vehicles Act. In the facts and circumstances of the case and in the interest of justice, it would be necessary for the Tribunal to decide the issues involved in this first appeal while deciding the claim petition as the parties would tender evidence on

the issues involved. The first appeal needs to be disposed of with a direction to the Tribunal to decide the claim petition as early as possible and positively within a period of 18 months from the date of the appearance of the parties before the Tribunal.

3. The first appeal stands disposed for the aforesaid reasons with a direction to the Tribunal to decide the claim petition as early as possible and positively within a period of 18 months from the date of appearance of the parties before the Tribunal.

4. The Registry is directed to remit the amount deposited by the appellant in this Court to the Tribunal at the earliest. The Tribunal is directed to place the amount received from the High Court in a fixed deposit account of a nationalized bank.

5. The first appeal stands disposed of on the aforesaid terms with no order as to costs. All the points raised in this first appeal are kept open.

JUDGE

Wagh