



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

**934 CIVIL APPLICATION NO. 5224 OF 2022
IN FA/2139/2020
WITH
CIVIL APPLICATION NO. 7072 OF 2020
IN FA/2139/2020**

SANGITA BALU SABLE AND ORS

....Applicants

VERSUS

SAHEBRAO GYANOBA KUBADE AND ANR

.....Respondents

.....

Advocate for Applicant : Mr. G. K. Muneshwar

Advocate for Respondent No.2 : Mr. Mohit R Deshmukh

...

CORAM : SANDIPKUMAR C. MORE, J.

DATED : 06 FEBRUARY , 2025

ORDER

1. It appears that the appeal is filed by the Insurance Company only against the compensation granted under the No Fault Liability. It further appears that Record and Proceedings are called in this Court whereby the matter before the learned Trial Court is held up in 'Part Heard Category'.

2. Under such circumstances, the impugned order being based on principle of 'No Fault Liability' is to be kept as it is by granting liberty to the appellant/Insurance Company to agitate the same issue before the learned Tribunal at the time of final

disposal. Accordingly, the appeal stands disposed of with the aforesaid liberty.

3. In the interest of justice, the respondent Nos. 1 to 5 who are the original claimants are permitted to withdraw the amount of compensation deposited by the appellant/Insurance Company in this Court along with the accrued interest thereon till this date in equal proportion on filing usual undertaking to the satisfaction of learned Registrar (Judicial) of this Court mentioning that if the impugned order is set aside at the final disposal of original claim petition, then they would re-deposit the same.

4. Appeal is disposed of along with pending Civil Applications.

5. It is made clear that no observations are made by this Court on the merits of this case.

6. Record and Proceeding be sent immediately.

(SANDIPKUMAR C. MORE, J.)