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

FIRST APPEAL NO.186 OF 2020
[The New India Assurance Company Limited .vs. Sau. Shakun w/o Shamlal Sawalkar and others]

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Office Notes, Office Memoranda of Coram, appearances, Court's orders of directions and Registrar's orders	Court's or Judge's orders

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Shri Mahesh B. Joshi, Advocate for Appellant.
Shri Vipul Bhise, Advocate for Respondents.
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CORAM : PRAVIN S. PATIL, J.
DATED : 01.10.2025.

1. This appeal is arising out of the order passed by the Motor Accident Claims Tribunal, Akola below Exh.6 dated 4.7.2018, whereby the claimants were awarded 'No Fault Liability' compensation of Rs.50,000/-.

2. The main ground to challenge the order passed by the M.A.C.T. Akola in the present appeal is that the vehicle which is insured in the appellant-insurance company is not involved in the accident and consequently the insurance company is not responsible for the compensation and even no fault liability. Considering this issue, notices were issued to the respondents including claimants. As such since year 2019, this appeal is pending on the file of this court.

3. Today the learned counsel for the appellant-insurance company, on receipt of information states that the main Claim Petition No.23/2016 is pending on the file of Member, M.A.C.T. Akola and due to non-payment of deficit court fee, same is fixed for dismissal on 29.10.2025.

4. The learned counsel for the respondents-claimants stated that the claimants are the poor persons and they are facing financial crisis due to untimely death of the bread earner of the family. They are also facing problem even to conduct the proceeding before the M.A.C.T. Akola.

5. According to the respondents-claimants, the matter before the M.A.C.T. Akola is fixed for evidence and if the amount which is deposited by the appellant-insurance company is transferred to the M.A.C.T. Akola, the matter can be prosecuted by the claimants at Akola.

6. In the facts and circumstances of the matter, it is seen that the issue raised by the appellant-insurance company can only be decided by leading the evidence before the M.A.C.T. Akola. At this stage, it cannot be decided whether the vehicle involved in the accident was insured with the appellant-insurance company or not. It is only after the evidence proper conclusion can be drawn in the matter.

7. Hence, I am of the view that the amount towards no fault liability which is deposited by the appellant before this court can be transferred along with interest accrued thereon to the M.A.C.T. Akola and Tribunal can be directed to endeavour to conclude the pending proceeding at an earliest. Hence, I pass the following order :

<u>O R D E R</u>

(1) The First Appeal is allowed.

(2) The impugned order dated 4.7.2018 passed below Exh.6 is hereby quashed and set aside.

(3) The amount of Rs.50,000/- deposited by the appellant-insurance company before this court is directed to be

transferred along with interest accrued thereupon to the M.A.C.T. Akola in pending Claim Petition No.23/2016.

(4) The Member, M.A.C.T. Akola is directed to decide the Claim Petition as an earliest and in any case within a period of six months.

(5) The amount which is transferred to the M.A.C.T. Akola, shall be disbursed according to the entitlements after the final judgment of the M.A.C.T. Akola.

(6) The appeal stands disposed of accordingly in above terms.

(PRAVIN S. PATIL, J.)

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