



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

FIRST APPEAL NO.913 OF 2010

[Lalsingh s/o Harsingh Jadhav .vs. Ajabrao s/o Tukaram Tale and others]

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

Court's or Judge's orders

Ms. Yoshita V. Paliwal, Advocate h/f Mr. V.K. Paliwal, Advocate for Appellant.
Mr. P.K. Dhomne, Advocate for Respondent Nos.1 and 2.
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CORAM : PRAVIN S. PATIL, J.

DATED : 25.11.2025.

1. This court has passed detailed order on 21.11.2025
as under :

1. *By way of present appeal, the challenge is to the interim order passed under Section 140 of the Motor Vehicles Act of awarding interim compensation of Rs.50,000/- to the legal heirs of the deceased.*

2. *In the present appeal, the challenge to the order at the instance of owner of the vehicle is only on the ground that the driver of the vehicle though holding the valid licence by ignoring the reply of the owner, the impugned order came to be passed by the learned Tribunal in the matter. As such, it is the contention of the owner that the learned Tribunal should not have saddled the responsibility of payment of compensation on the appellant.*

3. *At the outset, after perusal of the record, it is seen that this appeal is pending on the file of this court since year 2010. This court, on 1.3.2011 passed the interim order and thereby granted stay to the order of the Motor Accident Claims Tribunal, Washim dated 27.1.2010. In pursuance of the same, owner has deposited the amount to the registry of this court.*

4. *After the deposit of the amount, Civil Application No.327/2013 was filed by the claimants in the matter for withdrawal of the amount. This court allowed respondent to withdraw Rs.25,000/- by order dated 15.2.2013. As such, balance amount of Rs.25,000/- is lying with the registry of this court.*

5. *As per the provisions of Section 140 of the Motor Vehicles Act, the amount of interim compensation is awarded as an interim arrangement to give financial assistance to the family whose bread earner has caused death in the road accident.*

6. *As such, while deciding the application under Section 140 of the Motor Vehicles Act, the only fact which is required to be considered by the Tribunal about the occurrence of the accident. There is no necessity for the Tribunal to look into the entire merits of the matter.*

7. *The perusal of the impugned order dated 27.1.2010 clearly established the fact that the learned Tribunal by considering the fact that criminal offence has been registered against the driver of the offending vehicle which certifies the fact that there was an accident and the owner of the said offending vehicle were the present appellant passed the impugned order. Hence, prima facie, I am of the opinion that there is no error apparent on the face of record in the impugned order.*

8. *It is however further pertinent to note that the claimants in the Motor Accident Claims Tribunal, after withdrawal of the amount, did not turn up to this court and the matter is pending on the file of this court since last more than 15 years. As such, according to me, there is no reason to go into the merits of the matter. On the contrary, matter can be remitted back to Tribunal to decide the pending claim petition at an earliest.*

9. *In the circumstances, to meet the end of justice, it will be proper to transfer the amount which is lying to the registry of this court to the Motor Accident Claims Tribunal, Washim in a pending M.A.C.P. No.20/2009.*

10. *However, at this stage, the learned counsel for the appellant, seeks time to verify the matter, whether M.A.C.P. No.20/2009 is pending before the Claim Tribunal or has been already decided or not. Therefore, list the matter for further consideration on **25.11.2025** for the statement of the appellant.*

2. As such, today the matter is kept for verification whether M.A.C.P. No.20/2009 is pending before the Claim Tribunal or not.

3. The learned counsel for the appellant states that till date M.A.C.P. No.20/2009 is pending on the file of Claim Tribunal for the evidence. It is pointed out that as the record and proceedings of Claim Petition was called for perusal by this court, the Claim Petition pending before Tribunal did not proceed further.

4. In the circumstances, in continuation of the order dated 21.11.2025, I proceed to pass the following order :

ORDER

- (i) First Appeal is partly allowed.
- (ii) The amount which is lying with the Registry of this court along with accrued interest thereon be transferred to M.A.C.P. No.20/2009 pending on the file of M.A.C.T. Washim.
- (iii) Registry is directed to send the record and proceedings of M.A.C.P. No.20/2009 immediately to the M.A.C.T. Washim.
- (iv) M.A.C.T. Washim is directed to decide the Claim Petition as expeditiously as possible and the amount which is transferred to the Tribunal be paid to the person, who is entitled as per the final judgment of the Tribunal.

The First Appeal stands disposed of.

(PRAVIN S. PATIL, J.)