

nsc.

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

**CIVIL APPLICATION NO.3910 of 2014
IN
FIRST APPEAL (ST) NO.23504 OF 2014**

Ganesh Sukumar Patil

...Applicant

v/s.

The General Manager,

The Maharashtra State Road Transport Corporation and Ors. ...Respondents.

Mr.S.G.Thorat, for the Applicant.

**CORAM: A. S. OKA &
REVATI MOHITE DERE, JJ.**

DATED : 1st JULY, 2015.

P.C.

1. The applicant is the Claimant in a Claim Petition filed under Section 166 of the Motor Vehicle Act, 1988. He claims compensation on account of injury sustained by him. Compensation of Rs.25,04,000/- with interest has been granted to the appellant. An appeal was preferred by the respondent no.1 against the Judgment and Award which has been dismissed vide Judgment and Order dated 17th January, 2014. The present appeal preferred by the applicant is for enhancement of the compensation.

The prayer made in this application is for grant of exemption to the applicant from payment of the Court Fees on the Appeal.

2. Out of the compensation amount awarded by the Tribunal a sum of Rs.12,00,000/- have been permitted to be withdrawn by the Applicant's guardian. An amount of Rs.17,12,971/- has been invested in Fixed Deposit in the name of the parents of the applicant. To that effect a report has been submitted by the learned Member of the Motor Vehicle Claim Tribunal at Jaysingpur.

3. The appeal preferred by the contesting respondents has been dismissed. Even if the appeal filed by the applicant is dismissed, the amount invested is available from which the Court Fees amount can be appropriated. Moreover, as a result of the injury sustained in the accident, the applicant continues to be unconscious. Therefore, a case is made out for grant of exemption for the time being.

4. Accordingly, we allow the application in terms of prayer clause (a), subject to further direction that the Fixed Deposit of Rs.17,12,971/- shall not be permitted to be withdrawn unless the Court Fees amount

payable in the appeal is paid.

5. Civil Application for condonation of delay shall be numbered and placed before this Court under the caption of 'Orders' on 15th July, 2015.

(REVATI MOHITE DERE,J.)

(A.S. OKA,J.)