

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

**CIVIL APPLICATION NO.1527 OF 2015
IN
FIRST APPEAL (ST) NO.9923 OF 2010**

Maharashtra State Road Transport .. Applicant.
V e r s u s
Jawaharlal Gulabsingh Kayastha
since deceased through legal heirs
1. Sushilabai Jawaharlal Kayastha and Others .. Respondents

Mr. C.M. Lokesh i/b G.S. Hegde & Associates for the Applicant.
None for the Respondents.

CORAM : K.K. TATED, J.

DATE : 18 FEBRUARY 2016.

P.C. :

1 Heard Mr. Lokesh, the learned Counsel appearing for the Applicant.
This application is preferred by the original opponent for extension of time to comply the order dated 25 August 2010 as well as order dated 26 October 2010.

2 This Court by order dated 25 August 2010, granted ad-interim relief for execution and operation of the impugned judgment and award on condition that the Applicant to deposit the awarded amount in the Tribunal on or before 21 October 2010. The learned Counsel for the Applicant submitted that inadvertently it remained on their part to comply the said

order. He submitted that the Applicant is ready and willing to deposit the entire amount due and payable within a period of four weeks from today. Statement is accepted.

3 The learned Counsel appearing for the Applicant submitted that as per the order dated 26 October 2010, it remained on their part to pay the Bhatta charges within stipulated time. He submitted that by mistake on the part of them, Bhatta charges were not paid within stipulated time. He submitted that the Applicant undertakes to comply the said order dated 26 October 2010, within a period of two weeks from today. Statement as made is accepted.

4 Considering the submissions made by the learned Counsel for the Applicant and the averments made in the Civil Application, I am satisfied that the Applicant has made out a case for allowing this Civil Application, but at the same time, they have to deposit a sum of Rs.10,000/- by way of cost payable to the Respondents/Claimants within a period of four weeks from today. Hence, the following order.

: O R D E R :

{A} Time is granted till 31 March 2016 to comply the order dated 25 August 2010 i.e. to deposit the awarded amount in the Tribunal.

{B} Time is granted till 5 March 2016 to comply the order dated 26 October 2010 i.e. payment of Bhatta charges.

{C} In addition to usual mode of service, the Applicant is permitted to serve Respondents by private notice either by registered post A.D. and/or by hand delivery and file Affidavit of Service to that effect.

{D} If the amount is not deposited within a stipulated time and Bhatta charges are not paid as stated hereinabove, the present Civil Application shall stand dismissed without referring back to this Court.

{E} Applicant to deposit a sum of Rs.10,000/- by way of costs payable to the Respondents/Claimants in Registry within a period of four weeks from today, failing which, the Civil Application shall stand dismissed without referring back to this Court.

{F} Civil Application stand disposed of accordingly.

(K.K. TATED, J.)