

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
CIVIL APPLICATION NO. 4775 OF 2013
IN
CIVIL APPLICATION NO. 4303 OF 2008
IN
FIRST APPEAL (ST.) NO. 18901 OF 2008

Maharashtra State Road Transport
Corporation

.. Appellants

vs.

Kalpana S. Patil and ors.

.. Respondents

Mr. C.M. Lokesh i/b G.S. Hegde for the Applicants-Appellants.
Ms Vrushali Penkar i/b Mr. Bhushan Walimbe for Respondent Nos.1
and 2.

CORAM : M. S. SONAK, J.

DATE : 31 JANUARY 2017.

P.C. :-

1] The first appeal was dismissed by conditional order dated 14 October 2008, as the appellants failed to take steps as required under the law.

2] In the year 2009, the applicants took out Civil Application No. 7545 of 2009 seeking restoration, the same was also dismissed. Thereafter on 29 October 2013, i.e., delay of 5 years and 15 days the present civil application has been taken out, once again seeking restoration. The entire application comprises of three paragraphs leaving aside the fourth paragraph, which contains the prayer clauses. There is absolutely no explanation for the inordinate delay of 5 years and 15 days. It is not understood as to how a fresh application for restoration is maintainable, once the earlier civil application for restoration was itself dismissed.

3] In such circumstances, there is no question of grant of any relief in Civil Application No. 4775 of 2013, which is hereby dismissed. Since, on the basis of pendency of all such applications, the applicants, which is a State Road Transport Corporation has deprived the respondents-claimants of the compensation due and payable to them, it is only proper that they pay costs of Rs.10,000/- to the respondents-claimants.

4] The amount of Rs.25,000/- deposited in this court is to be transmitted to the concerned Motor Accident Claim Tribunal (MACT). The costs of Rs.10,000/- now awarded are also to be deposited by the applicants before the concerned MACT within a period of four weeks from today. The respondents-claimants shall be entitled to withdraw the amount of compensation from the concerned MACT unconditionally.

(M. S. SONAK, J.)

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