

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

**CIVIL APPLICATION NO. 3402 OF 2018  
WITH  
CIVIL APPLICATION NO. 3403 OF 2018  
IN  
FIRST APPEAL STAMP NO. 21597 OF 2018**

|                                                 |                 |
|-------------------------------------------------|-----------------|
| Maharashtra State Road<br>Transport Corporation | ... Applicant   |
| Versus<br>Shakuntala Laxman Khaire and others   | ... Respondents |

**WITH  
FIRST APPEAL STAMP NO. 21597 OF 2018**

|                                                 |                 |
|-------------------------------------------------|-----------------|
| Maharashtra State Road<br>Transport Corporation | ... Appellant   |
| Versus<br>Shakuntala Laxman Khaire and others   | ... Respondents |

**WITH  
CIVIL APPLICATION STAMP NO. 24963 OF 2018  
IN  
FIRST APPEAL STAMP NO. 21597 OF 2018**

|                                                                            |                 |
|----------------------------------------------------------------------------|-----------------|
| Shakuntala Laxman Khaire and another                                       | ... Applicants  |
| <i>In the matter of</i><br>Maharashtra State Road<br>Transport Corporation | ... Appellant   |
| Versus<br>Shakuntala Laxman Khaire and another                             | ... Respondents |

.....

None for the Appellant/Applicant.  
Mr. Sachin Gite, Advocate for the Respondent Nos. 1 and 2 in CA Nos. 3402, 3403 of 2018 and FA St.No.21597 of 2018 and for Applicants in CA St.No.24963 of 2018.

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**CORAM : A. S. CHANDURKAR, J.**

**DATE : 22<sup>nd</sup> NOVEMBER, 2018.**

**P. C.:****CIVIL APPLICATION NO. 3402 OF 2018**

1. Notice on the application is made returnable forthwith.
2. Mr. Gite, learned Counsel waives notice for respondent Nos. 1 and 2.
3. As the respondent No.3 was proceeded ex-parte, even before the Claims Tribunal, service on said respondent No.3 is dispensed with.
4. The prayer is to condone the delay in filing the First Appeal. Though the said prayer is opposed by the learned Counsel for the respondent Nos. 1 and 2, considering the reasons mentioned, the delay in filing the First Appeal stands condoned.
5. Civil application is allowed and disposed of.

**FIRST APPEAL STAMP NO. 21597 OF 2018**

1. Heard.
2. ***Admit.***
3. Call for the Record and Proceedings.
4. Mr. Gite, learned Counsel waives notice for respondent Nos. 1 and 2.

**CIVIL APPLICATION NO. 3403 OF 2018**

1. As the entire amount of compensation has been deposited by the appellant, the execution of the impugned award shall remain stayed during the pendency of the appeal.
2. Civil application is disposed of.

**CIVIL APPLICATION STAMP NO. 24963 OF 2018**

1. The claimants seek permission to withdraw the amount of compensation as deposited by the appellant.
2. Perused the impugned judgment. In the facts of the case, the applicants are permitted to withdraw 50% of the amount of compensation deposited. The applicants shall file undertaking in this Court within a period of four weeks from today that in case the appeal is allowed, the amount so withdrawn shall be repaid with interest at such rate the Court may direct.
3. Civil application is disposed of.

( A. S. CHANDURKAR, J. )