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IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

CIVIL APPLICATION NO.3151 OF 2019

IN

FIRST APPEAL (ST) NO. 25630 OF 2018

Akshat Sushil Kumar Mundhra since deceased ...Applicant
through legal heirs 1-A) Sushilkumar B Mundhra

Versus

Bhanudas Damodar Ahire & Anr ...Respondents

WITH

INTERIM APPLICATION NO. 264 OF 2020

IN

Transport Manager, Pune Municipal Transport ...Applicant

Versus

Akshat Sushilkumar Mundhra through guardian ...Respondents
father Sushilkumar Bishwanath Mundhra & Anr

WITH

INTERIM APPLICATION NO. 3762 OF 2022

IN

FIRST APPEAL NO. 192 OF 2019

Akshat Sushilkumar Mundhra (deceased) through ...Applicant
legal heir Sushilkumar s/o late Bishwanath
Mundhra

Versus

Transport Manager, Pune Municipal Transport ...Respondents

WITH
CIVIL APPLICATION NO.658 OF 2019
IN
FIRST APPEAL NO. 192 OF 2019

Transport Manager, Pune Municipal Transport ...Applicant

Versus

Akshat Sushilkumar Mundhra (deceased) through ...Respondents
legal heir Sushilkumar s/o late Bishwanath
Mundhra & Anr

Mr DD Shinde, with Yogesh Thorat, for the Applicant/Appellant.
Ms Madhvi Tavanandi, i/b CM Lokeshappa, for the Respondents.

CORAM G.S. Patel &
Madhav J. Jamdar, JJ.
DATED: 7th July 2022

PC:-

CIVIL APPLICATION NO. 3151 OF 2019 IN FIRST APPEAL
(ST) NO. 25630 OF 2018:

1. Civil Application No.3151 of 2019 in First Appeal (ST) No.25630 of 2018 is made absolute. It seeks to bring on record the legal heirs of deceased sole Appellant. Amendment is to be carried out within two weeks without need of reverification.

INTERIM APPLICATION NO. 264 OF 2020 IN FIRST APPEAL NO. 192 OF 2019:

2. Not on board. Taken on board.
3. Interim Application No. 1 of 2019 is to bring on record heirs and legal representatives of deceased 1st Respondent.
4. The IA is made absolute. Amendment is to be carried out within two weeks without need of reverification.

INTERIM APPLICATION NO. 3762 OF 2022 IN FIRST APPEAL NO. 192 OF 2019:

5. This is an IA by the Appellant seeking leave to withdraw the entire amount deposited. The accident victim was 100% disabled as a result of accident but survived in that terrible condition for eleven long years. When he died he was survived by his two aged parents. The father spent at least Rs. 40,000/-per month on basic upkeep and maintenance of the unfortunate victim. The accident was between victim's motorcycle and a bus of the Pune Municipal Transport near the Pune University on a bridge opposite E-Square Theatre. Altogether the parents have spent over Rs. 20 lacs only on this expenditure apart from losing a source of support and sustenance for themselves.
6. The accident took place fourteen years ago on 19th February 2007. The claim was decided on 19th April 2018.

7. Having regard to all these circumstances, and in view of the fact that amount of approximately 2 crores has been deposited, we permit the surviving claimants (parents of the victim) to withdraw without security but only on furnishing an undertaking an amount of Rs. 1.25 crores.

8. We also place the Appeal itself peremptorily for final disposal on the earliest possible date. We will proceed on the basis of a private paper book since the record is very small. The Learned Advocate for the Appellant will prepare private paper book and will serve a copy on Ms Tavanandi, learned counsel for the Respondent.

9. List the matter on 26th August 2022 at 2.30 pm.

(Madhav J. Jamdar, J)

(G. S. Patel, J)