

IN THE HIGH COURT OF JUDICATURE AT BOMBAY**CIVIL APPELLATE JURISDICTION****CIVIL APPLICATION NO. 1309 OF 2012****IN****FIRST APPEAL (ST.) NO. 7256 OF 2012****MAHARASHTRA STATE ROAD****TRANSPORT CORPORATION } APPLICANT****V/S.****YAMUNABAI HARIBHAU TAMHANE****AND ANR. } RESPONDENTS**

**Ms. P.M. Bhansali i/by. Mr. G.S. Hegde, Advocate for the
applicant.**

Coram : Sandeep K. Shinde, J.

Monday, 14th February, 2022.

P.C. :

- 1) Heard learned Counsel for the applicant.
- 2) The Motor Accidents Claim Tribunal, Baramati had passed an Award on 31st October, 2006 by which compensation of Rs.5,63,000/- was awarded to the wife and son of the deceased, Haribhau Tamhane, part of which was towards reimbursement of medical bills. Applicant's case is that, an amount of Rs.1,51,470/- was already paid

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by the appellants towards reimbursement of the medical bills. As such, inadvertently, payment to that extent was made twice. After noticing the fact aforesaid, applicants moved Miscellaneous Application No.10/2010 for modification/refund of Rs.1,51,470/-. That application was rejected on 15th February, 2010. Whereafter, applicants filed Writ Petition No.4048/2011. It was heard and vide order dated 30th June 2011, this Court held that Petition was not maintainable. Afterwhich, applicants filed First Appeal, alongwith an application for condonation of delay. Although respondents have been duly served, none appears for them.

3) In consideration of the facts of the case stated above, the delay is condoned. Civil Application is allowed in terms of prayer clause (a) and stands disposed of in the aforesaid terms.

4) List the First Appeal for admission on 5th March, 2022.

(Sandeep K. Shinde, J.)