

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH AT NAGPUR

CIVIL APPLICATION [CAF] NO.1603 OF 2020

IN

FIRST APPEAL ST. NO.2380 OF 2020

[Maharashtra State Road Transport Corporation .vs. Sangita wd/o Moreshwar Masram and
others]

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders

Court's or Judge's orders

Shri S.R. Charpe, Advocate for applicant-appellant,
Shri Abhijit R. Rishi, Advocate for respondent nos.1 to 3.

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CORAM : SMT. M.S. JAWALKAR, J.

DATE : 05/08/2022.

Present application is filed by the applicant-appellant for condonation of delay in filing First Appeal. There is a delay of 55 days. The delay is caused due to procedural compliances. Hence, I am satisfied that there is no intentional and deliberate delay in filing application. The delay of 55 days in filing First Appeal is hereby condoned. Registry is directed to register the First Appeal.

Application is allowed and disposed of.

Civil Application (CAF) No.1919/2021

Present application is filed by the respondent nos.1 to 3 for withdrawal of amount of compensation deposited by the appellant-MSRTC. The amount is deposited in this Court by the appellant.

The grounds raised in the appeal are that the quantum of amount is granted without there being any sufficient evidence on record and second defence is the negligence of the deceased.

In view of above, the interest would be served by allowing the application to withdraw fifty percent of the amount, subject to usual undertaking that if appellant succeeds in the appeal, the claimants-respondents would refund the amount as per final order.

Application is allowed and disposed of.

Civil Application (CAF) No.1604/2020

Interim order granted on 19.01.2021 is hereby confirmed.

[Smt. M.S. Jawalkar, J.]

Gulande