

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

**CIVIL APPLICATION (CAF) NO.130 OF 2021**  
**AND**  
**CIVIL APPLICATION (CAF) NO.131 OF 2021**  
**AND**  
**CIVIL APPLICATION (CAF) NO.05 OF 2022**  
**IN**  
**FIRST APPEAL ST. NO.3894 OF 2020**

(MSRTC THR. DIVL. CONTROLLER JALANA...VS.. RAMESH BHIVAJI KANKAL & OTH.)

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

Shri A.R.Fule, Advocate for Applicant/Appellant.  
Shri G.I.Dipwani, Advocate for Respondent No.1 to 3.

**CORAM : SMT. ANUJA PRABHUDESSAI, J.**  
**DATED : JANUARY 21, 2022.**

Hearing was conducted through Video Conferencing and the learned Counsel agreed that the audio and visual quality was proper.

**C.A.NO. 130/2020.**

1. By this application, the applicant has sought condonation of 11 days delay in filing appeal under Section 173 of the Motor Vehicles Act, 1988.

2. The learned counsel for respondents has no objection.

3. In light of the said statement and in view of the reasons stated in the application, the delay is condoned.

4. Appeal be registered.

5. The application stands **disposed of** accordingly.

F.A.NO. /2022.

6. Heard.

7. **ADMIT.**

8. Call R & P.

9. Learned Advocate Shri G.I.Dipwani waives notice on behalf of respondents.

10. Considering the narrow controversy involved, filing of the paper book is dispensed with.

11. The appeal be listed for final hearing on **16<sup>th</sup> February 2022.**

C.A.NO.131/2020.

12. The learned counsel for the appellant states that the amount has been deposited.

13. In light of the said statement, the execution and implementation of the impugned judgment and order is stayed pending hearing of the appeal.

14. The Civil Application stands **disposed of** accordingly.

**C.A.NO.05/2022.**

15. By this application, the respondent Nos. 1 and 2 seek permission to withdraw the compensation amount deposited by the appellant/Insurance Company.

16. In light of the reasons stated in the application, the applicants/respondent Nos.1 and 2 are permitted to withdraw 50% of the compensation amount along with proportionate interest accrued thereon as per the shares specified in Clause (iii) of operative part of the impugned judgment.

17. Civil Application No.05 of 2022 stands **disposed of** accordingly.

(SMT.ANUJA PRABHUDESSAI, J)

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