

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

CIVIL APPLICATION (CAF) NO. 1655 OF 2022
IN
FIRST APPEAL (ST.) NO. 5999 OF 2020

Maharashtra State Road Transport Corp. (MSRTC) thr. Divisional Controller, Buldhana

...VERSUS...

Smt. Kamal Wd/o. Kamlaji Gaikwad and another

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

Court's or Judge's order

Shri V.P.Panpalia, Advocate for appellant.
Shri. S.P.Pawar, Advocate for respondents.

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

DATE : 05th AUGUST, 2022.

The present application is filed for condonation of delay in filing First Appeal.

2. For the reasons mentioned in paragraphs 2 and 3 of the application, the application is allowed.
3. The delay in filing First Appeal is hereby condoned.
4. The Registry is directed to register the First Appeal (St.) No. 5999/2022.
5. Accordingly, the application is disposed of.

FIRST APPEAL (ST.) NO. 5999 OF 2020

Admit.

2. Shri. S.P.Pawar, learned counsel waives notice for respondent nos. 1 and 2.

CIVIL APPLICATION (CAF) NO. 1671 OF 2022

Heard.

2. The respondents have filed the present application for withdrawal of amount deposited by the appellant.

3. It appears that the appellant has deposited the amount of Rs. 26,22,150/- which is 75% of the decretal amount, as per the appellant.

4. The learned counsel for the applicants/respondents submits that the interest part is not deposited after direction. The stay was granted to the execution of impugned judgment by this Court vide order dated 14/10/2020, subject to the condition to deposit of 3/4th of the decretal amount within a period of three months.

5. For the reasons stated in the application, it would be appropriate to allow the applicants/respondents to withdraw Rs. 20,00,000/- (Rupees Twenty Lac only) at present.

6. As such, as per apportion made by Motor Accident Claims Tribunal, Buldhana, the Registry is directed to disburse the amount of Rs. 20,00,000/- (Rupees Twenty Lac only) in the account of respondents, as per bank details provided by the applicants/respondents.

7. The applicants/respondent nos. 1 and 2 to file undertaking to the effect that if the appellant succeed in the appeal, they will refund the amount as per direction which would be made in the appeal finally.

(Smt. M.S. Jawalkar, J.)