

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

CIVIL APPLICATION NO.632 OF 2021 IN
FIRST APPEAL (ST.) NO.13432 OF 2020

(Maharashtra State Road Transport Corporation Vs. Smt. Sangita wd/o Nilesh Dandge & ors.)

Office Notes, Office Memoranda of
Coram, appearances, Court's Orders
or directions and Registrar's order

Court's or Judge's Order

Ms. Disha Fulwani, Advocate h/f Shri V.H. Kedar, Advocate for the
appellant.
Shri S.P. Pawar, Advocate for the respondent Nos.1 to 5.

CORAM : M.S. KARNIK, J.
DATED : MAY 05, 2022.

Heard.

2. This is an application for condonation of delay of 303 days in filing the first appeal.
3. Learned counsel invited my attention to the averments made in paragraph Nos.2, 3 and 4 of the application.
4. Learned counsel for the claimants does not seriously oppose the application.
5. For the reasons stated in the application the application is allowed in terms of prayer made in the application. The delay is condoned.
6. The civil application is disposed of.

CIVIL APPLICATION NO.633 OF 2021

This is an application for grant of stay to the execution of judgment and award dated 05/11/2019 passed by the Motor Accident Claims Tribunal, Buldhana.

2. As the entire decretal amount has been deposited, for the reasons stated in the application, the judgment and award shall remain stayed during the pendency of this appeal.

3. The civil application is disposed of.

CIVIL APPLICATION NO.1088 OF 2022

This is an application by the claimant for withdrawal of 75% amount deposited by the appellant in this Court.

2. The application is opposed by the learned counsel for the appellant contending that first appeal itself be heard finally at the stage of admission.

3. Learned counsel for the appellant further submitted that if at all the amount is allowed to be withdrawn, the appellant would find it difficult to recover the same in the event the appellant is to succeed in the appeal.

4. Considering the findings of the tribunal, in my opinion, for the reasons stated in the application, the application deserves to be partly allowed by permitting respondent Nos.1 to 3 and 5 to withdraw 50% of the amount deposited in this Court subject to filing usual undertaking.

5. Liberty to file further application for withdrawal at the later stage. Civil application is disposed of.

FIRST APPEAL (ST.) NO.13432 OF 2020

The respondent Nos.1 to 3 and 5 filed a pursis (st.) No.02 of 2022 wherein it is stated that Shri Shivaji s/o Niloba Dandge died on 01/05/2021 leaving behind the only legal heirs which are already party to the appeal as respondent Nos.1 to 3 and 5.

2. In this view of the matter, respondent No.4 be deleted from the array of the respondents.

3. Necessary amendment be carried out forthwith.

(M.S. KARNIK, J.)

**DB*