

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

914 CIVIL APPLICATION NO.16671 OF 2022
IN FA/1482/2004

SINDHU PRALHAD DHOLE AND OTHERS
VERSUS
MAHARASHTRA STATE ROAD TRANSPORT CO., THR ITS
DIVISIONAL CONTROLLER, PARBHANI

...
Advocate for Applicants : Mr. S. S. Deshmukh
Advocate for Respondent : Mr. A. D. Wange

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CORAM : SANDIPKUMAR C. MORE, J.
DATED : 05/01/2023.

P. C. :

1. Heard rival submissions.
2. The prayer in this application is two fold. The applicants are claiming necessary action under Section 340 of Cr.P.C. against the concerned officer of respondent MSRTC for misleading the court by deliberately making wrong statement before this court and recorded in the order dated 24/06/2022. Moreover, the applicants have also claimed permission to withdraw the balance amount alongwith the accrued interest thereon as per the order of this court dated 15/11/2021 in FA No. 1482 of 2004.
3. The learned counsel for the applicants vehemently argued that the learned counsel for the respondent corporation had mislead the court for making wrong statement by mentioning that the corporation would file appeal before the Hon'ble Apex Court against the order dated 25/11/2022. He pointed out that the applicants had in fact filed such appeal before the Hon'ble Apex

Court, wherein interest amount was granted to the applicants, which was initially denied by this court.

4. However, though such statement finds place in the order dated 24/06/2022, but the learned counsel for the MSRTC today tendered across the bar copy of letter dated 21/12/2021 alongwith the proposal for filing appeal. On perusal of the same, it appears that the concerned officer of MSRTC had sent proposal for filing appeal before the Hon'ble Apex Court. It is not in dispute that such appeal was not filed by the MSRTC despite the proposal. However, on perusal of statement which reflects from the order dated 24/06/2022, it is evident that the statement was merely in respect of submitting the proposal for filing appeal and not in respect of that any appeal was in fact was filed by the MSRTC before the Hon'ble Apex Court. In view of the same, no action under Section 340 of Cr.P.C is required to be taken against the concerned officer of MSRTC as prayed by the applicants. On the contrary, the direction to disburse the balance amount of compensation lying with this court to the applicants alongwith the accrued interest thereon can always be passed. In view of the same, the application is partly allowed and the applicants are permitted to withdraw the balance amount of compensation lying with this court alongwith accrued interest thereon till date under the order of this court dated 25/11/2021 in F.A. No. 1482 of 2004. The application is accordingly disposed of.

(SANDIPKUMAR C. MORE, J.)