

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

INTERIM APPLICATION NO.18628 OF 2022
IN
FIRST APPEAL (ST) NO. 21318 OF 2022

Maharashtra State Road Transport
Corporation Ltd, Solapur ... Applicant
versus
Ubale Mahadev Sadashiv ... Respondent

WITH
INTERIM APPLICATION NO. 18629 OF 2022
IN
FIRST APPEAL (ST) NO. 21318 OF 2022

Maharashtra State Road Transport
Corporation Ltd, Solapur ... Applicant
versus
Ubale Mahadev Sadashiv ... Respondent

WITH
INTERIM APPLICATION NO. 15502 OF 2023
IN
FIRST APPEAL (ST) NO. 21318 OF 2022

Ubale Mahadev Sadashiv ... Applicant
versus
Maharashtra State Road Transport
Corporation Ltd, Solapur ... Respondent

Mr. Ansari Faiyaz Ahmed, i/b. Amit Gharte for the Applicant.
Mr. S. T. Bhosale for the Respondent.

CORAM : RAJESH S. PATIL, J.

DATED : 26th SEPTEMBER, 2023

P.C.:

**INTERIM APPLICATION NO.18628 OF 2022
IN
FIRST APPEAL (ST) NO. 21318 OF 2022**

1. This Interim Application is filed for condoning the delay in filing the First Appeal.
2. There is a delay of 8 days in filing the First Appeal. The learned counsel for the Respondents states that he has no objection in condoning the delay and the matter is taken up hearing immediately.
3. I have gone through the contents of the application and I am satisfied that the Appellant has made out a case to condone the delay. Hence, Application is allowed in terms of prayer clause (a).
4. The Interim Application No. 18628 of 2022 is accordingly disposed of.

**INTERIM APPLICATION NO. 18629 OF 2022
IN
FIRST APPEAL (ST) NO. 21318 OF 2022**

1. This Interim Application is filed for seeking stay to the execution and implementation of impugned judgment and award

dated 4th May 2022 passed by the Motor Accident Claims Tribunal (“**MACT**”), Barshi, District- Solapur, in Motor Accident Claims Petition No. 64 of 2016.

2. By an order dated 7th September 2022 ad-interim relief was granted subject to the deposit of the entire awarded amount with interest. The learned advocate for the Appellant states that his client has deposited the entire awarded amount.

3. In view of the same, interim order passed on 7th September 2022 is hereby confirmed till the disposal of the First Appeal.

4. Interim Application No.18629 of 2022 is accordingly disposed of.

**INTERIM APPLICATION NO. 15502 OF 2023
IN
FIRST APPEAL (ST) NO. 21318 OF 2022**

1. This Interim Application is filed by the Original Claimant for withdrawal of the amount deposited by the Original Appellant-Applicant before the MACT, Barshi, Solapur in MACP No. 64 of 2016.

2. It is the case of the Applicant that he was a pillion rider of motor-cycle driven by one Mr. Vijay Shinde and offending bus has gave dash to the said motor-cycle due to which the Applicant sustained head injury and was in comma for three months. He was admitted in hospital and thereafter post discharge from the hospital he has to bear expenses for medical treatment. The

Applicant has lost his working capacity up-to 80%. The Applicant has a family of his wife and two children. The family is entirely dependent on the income of the Applicant. The Applicant has entire need of money.

3. I have heard both the sides and I have gone through the contents of the Interim Application. The case is made out to grant 60% of the decretal amount alongwith accrued interest to the Applicant (Original Claimant).

4. The 60% of the decretal amount alongwith accrued interest awarded to the Applicant (Original Claimant) is allowed to be withdrawn, upon furnishing an undertaking before the concerned MACT to the effect that if they fail in this First Appeal, they will return the amount with interest, at such rate as may be directed by this Court at the time of disposal of the First Appeal.

5. Balance amount shall be invested in the fixed deposit of a nationalized bank initially for a period of one year and thereafter for like period depending upon the pendency of this Court.

6. The Interim Application No.15502 of 2023 is accordingly disposed of.

7. All the parties to act on an authenticated copy of this order. Issuance of certified copy of the order is expedited.

(RAJESH S. PATIL, J.)

Digitally
signed by
GANESH
SUBHASH
LOKHANDE
Date:
2023.09.29
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