



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

**INTERIM APPLICATION NO.1677 OF 2023
WITH
INTERIM APPLICATION NO.1678 OF 2023
WITH
INTERIM APPLICATION NO.13574 OF 2023
IN
FIRST APPEAL (STAMP) NO.4959 OF 2023**

The Maharashtra State Road
Transport Corporation ...Appellant.

Versus

Naresh Nathuram Dhaval and Ors. ...Respondents

**WITH
INTERIM APPLICATION NO.1671 OF 2023
WITH
INTERIM APPLICATION NO.1672 OF 2023
IN
FIRST APPEAL (STAMP) NO.4977 OF 2023**

The Maharashtra State Road
Transport Corporation, Raigad ...Appellant.

Versus

Subhash Laxman Parab ...Respondent

**WITH
FIRST APPEAL NO.734 OF 2023**

The Maharashtra State Road
Transport Corporation ...Appellant.

Versus

Krishna Ramchandra Monde and Ors. ...Respondents

...

Mr. Nitesh Bhutekar for the Appellant-MSRTC
Mr. Vijay Dighe for the Claimants

CORAM: SMT. ANUJA PRABHUDESSAI, J.

DATED: 28th AUGUST, 2023.

P. C. :-

INTERIM APPLICATION NO.1678 OF 2023:-

1. At the outset, learned counsel for the Applicant seeks leave to amend prayer clause (a) to substitute the word “Mumbai” with the word “Raigad-Alibag”. Leave is granted. Amendment to be carried out forthwith.

2. Learned counsel for the Applicant-MSRTC states that the entire compensation as per the impugned Judgment and Award dated 27/07/2022 in M.A.C.P No.127 of 2020 has been deposited before the M.A.C.T., Raigad-Alibag.

3. In the light of the said statement, execution and implementation of the impugned Judgment is stayed pending hearing of the appeal.

4. The application stands disposed of.

INTERIM APPLICATION NO.13574 OF 2023:-

5. The Applicants, who are the original Claimants have sought leave to withdraw the compensation deposited by the Appellant-MSRTC as per the impugned Judgment and Award dated 27/07/2022 in M.A.C.P No.127 of 2020.

6. Considering the reasons stated in paragraph Nos.3 to 7 of the application, the Applicants-Claimants are permitted to withdraw 50% of the compensation with proportionate interest accrued thereon subject to filing of an undertaking before the Claims Tribunal that the amount with interest will be refunded in the event the Appellant succeeds in the appeal.

7. The application stands disposed of.

INTERIM APPLICATION NO.1677 OF 2023:-

8. By this application, the Applicant-MSRTC has sought to condone the delay of 138 days in filing the appeal under Section 173 of the Motor Vehicle Act, 1988.

9. In view of the reasons stated in paragraph 3(i) of the application, which in my considered view constitute sufficient cause, the delay is condoned. The appeal be registered.

10. The application stands disposed of.

INTERIM APPLICATION NO.1671 OF 2023:

11. Mr. Vijay Dighe, learned counsel waives service of notice on behalf of Respondent -Claimant.

12. By this application, the Applicant-MSRTC has sought to condone the delay of 124 days in filing the appeal under Section 173 of the Motor Vehicle Act, 1988.

13. In view of the reasons stated in paragraph 3(i) of the application, which in my considered view constitute sufficient cause, the delay is condoned. The appeal be registered.

14. The application stands disposed of.

INTERIM APPLICATION NO.1672 OF 2023:-

15. At the outset, learned counsel for the Applicant seeks leave to amend prayer clause (a) to substitute the word “Mumbai” with the word “Raigad-Alibag”. Leave is granted. Amendment to be carried out forthwith.

16. Learned counsel for the Applicant-MSRTC states that the entire compensation as per the impugned Judgment and Award dated 16/09/2022 in M.A.C.P No.132 of 2018 has been deposited before the M.A.C.T., Raigad-Alibag.

17. In the light of the said statement, execution and implementation of the impugned Judgment is stayed pending hearing of the appeal.

18. The application stands disposed of.

FIRST APPEAL (STAMP) NO.4977 OF 2023:-

19. Mr. Vijay Dighe, learned counsel waives service of notice on behalf of the Respondent -Claimant.

20. Learned counsel for the Appellant states that the challenge is mainly to the quantum of compensation and to the findings on the issue of negligence.

21. Considering the narrow controversy involved in the matter, an endeavour will be made to decide the appeal finally at the stage of

admission. Leave is granted to the parties to file compilation of documents within a period of three weeks.

22. Stand over to 25/09/2023.

FIRST APPEAL (STAMP) NO.4959 OF 2023:-

23. Mr. Vijay Dighe, learned counsel waives service of notice on behalf of the Respondent -Claimant.

24. Learned counsel for the Appellant states that the challenge is mainly to the quantum of compensation and to the findings on the issue of negligence.

25. Considering the narrow controversy involved in the matter, an endeavour will be made to decide the appeal finally at the stage of admission. Leave is granted to the parties to file compilation of documents within a period of three weeks.

26. Stand over to 25/09/2023.

FIRST APPEAL NO.734 OF 2023

27. Not on board. Upon being mentioned, taken on board.

28. Since the connected First Appeal (stamp) No.4959 of 2023 and 4977 of 2023 are listed on 25/09/2023, this appeal be also listed on **25/09/2023**.

29. Considering the narrow controversy involved in the matter, an endeavour will be made to decide the appeal finally at the stage of admission. Leave is granted to the parties to file compilation of documents within a period of three weeks.

(SMT. ANUJA PRABHUDESSAI, J.)