

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

FIRST APPEAL (ST) NO.4983 OF 2023
WITH
INTERIM APPLICATION NO.1674 OF 2023
AND
INTERIM APPLICATION NO.1673 OF 2023
IN
FIRST APPEAL (ST) NO.4983 OF 2023

MAHARASHTRA STATE ROAD TRANSPORT)
CORPORATION THROUGH DIVISIONAL)
CONTROLLER)...APPELLANT

V/s.

MR. KRISHNA RAMCHANDRA MONDE & ORS.)...RESPONDENTS

WITH
INTERIM APPLICATION NO.12668 OF 2023
IN
FIRST APPEAL (ST) NO.4983 OF 2023

MR. KRISHNA RAMCHANDRA MONDE & ORS.)...APPLICANTS

V/s.

MAHARASHTRA STATE ROAD TRANSPORT)
CORPORATION THROUGH DIVISIONAL)
CONTROLLER)...RESPONDENT

Ms.Gargi Warunjikar i/b. Mr.N.V.Bhutekar, Advocate for the Appellant/
Applicants in IA/1674/23 and IA/1673/23.

Mr.Vijay B. Dighe, Advocate for the Respondent in FA / Applicants in
IA/12668/23.

CORAM : ABHAY AHUJA, J.

DATE : 23rd JUNE 2023

PC. :

INTERIM APPLICATION NO.1673 OF 2023

1. This is an Interim Application seeking condonation of delay of 97 days in preferring the Appeal against the judgment and award dated 27th July 2022 passed by the Motor Accident Claims Tribunal, Raigad-Alibaug in Motor Accident Claim Petition No.126 of 2020.
2. Ms.Gargi Warunjikar, learned Counsel for the Applicant/Appellant, draws the attention of this Court to paragraph 3 of the application in support of her contention to condone the delay.
3. Mr.Dighe, learned Counsel for the Respondents, raises a formal objection.
4. Having heard the learned Counsel and having perused the application, let the delay of 97 days be condoned. Let the First Appeal be registered.
5. The application stands disposed.

INTERIM APPLICATION NO.1674 OF 2023

6. This is an application seeking stay on the execution of the judgment and award dated 27th July 2022 passed by the Motor

Accident Claims Tribunal, Raigad-Alibaug in Motor Accident Claim
Petition No.126 of 2020.

7. Learned counsel for the Applicant/Appellant submits that the entire decretal amount has already been deposited on 13th March 2023 and therefore, stay be continued till the final disposal of the Appeal.
8. Mr.Dighe, learned Counsel for Respondents, confirms the same.
9. Having heard the learned Counsel and having perused the application, let the stay granted earlier on 20th February 2023 be continued till the final disposal of the Appeal.
10. The application stands disposed.

INTERIM APPLICATION NO.12668 OF 2023

11. This is an application filed by the father, mother and sister of the deceased Omkar Monde, who died in an accident on 13th March 2020. Mr.Dighe, learned Counsel for the Applicant, would submit that the deceased was the only earning member and the Applicants were dependent on him. He would submit that the Applicant no.1 is jobless and the Applicant no.2 is a housewife. She is mother of the deceased and is also having health issues. They have taken loans from friends and relatives for their day to day needs and also have to repay the

loans. As far as Applicant no.3 is concerned, it is submitted that she is sister of the deceased, who has completed graduation in commerce and is desirous of higher education, for which she needs money for payment of her fees. Learned Counsel submits that the Applicants have a good case on merits. Learned Counsel submits that the Applicants be permitted to withdraw some part of the amount deposited by the Appellant so as to repay the loans and for higher education as well as for the medical treatment of Applicant no.2.

12. Ms.Gargi Warunjikar, learned Counsel for the Appellant-Insurance Company submits that some amount may be allowed to be withdrawn, subject to usual undertaking.

13. Having heard the learned Counsel and having perused the application, the following order is passed :

ORDER

- i) Let 30% of the amount deposited in the Tribunal be allowed to be withdrawn by the Applicants, subject to an undertaking that in the event, the decision in the First Appeal goes against them, they would bring back the amount so withdrawn with interest, within a period of four weeks from the date of the said decision.
- ii) The application stands disposed in the above terms.

FIRST APPEAL (ST) NO.4983 OF 2023

14. List the First Appeal for Admission on **28th July 2023** subject to removal of all office objections.

(ABHAY AHUJA, J.)