



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

**CIVIL APPLICATION NO. 1306 OF 2018
WITH
CIVIL APPLICATION NO. 1307 OF 2018
IN
FIRST APPEAL (ST.) NO. 8581 OF 2018**

Maharashtra State Road Transport
Corporation Limited Applicant
v/s.
Mr. Bhavrao Raghunath Pawale
and ors. Respondents

**WITH
CIVIL APPLICATION NO. 1863 OF 2019
IN
FIRST APPEAL (ST.) NO. 8581 OF 2018**

Mr. Bhavrao Raghunath Pawale
and ors. Applicants

In the matter between :-
Maharashtra State Road Transport
Corporation Limited Appellant
v/s.
Mr. Bhavrao Raghunath Pawale
and ors. Respondents

Adv. Ruchi Rajput a/w. Mr. Rajchourasia i/b.
Mr. Pranil Sonawane for the Appellant – Corporation.
Mr. Rohit Gorade i/b. Mr. R.N. Gite for R.Nos.1 to 3.

**CORAM: SMT. ANUJA PRABHUDESSAI, J.
DATED : 29th AUGUST, 2023**

P. C. :-

CIVIL APPLICATION NO. 1307 OF 2018 :-

. Learned counsel for the Appellant states that the Appellant –

Corporation has deposited the entire amount of compensation as per the impugned judgment and award.

2. In the light of said statement, execution and implementation of the impugned judgment and award dated 24/11/2016 passed by the Member, MACT, Nashik in MACP No.268/2016 is stayed pending hearing of the Appeal.

3. Civil Application stands disposed of.

CIVIL APPLICATION NO. 1306 OF 2018 :-

4. By this Application, the Applicant has sought to condone the delay in filing the Appeal under section 173 of the Motor Vehicles Act.

5. It is seen that the Applicants had earlier filed the review application on the ground that the Tribunal has applied wrong multiplier. The time taken in disposing of the review application and the other reasons stated in the application, in my considered view, constitute sufficient grounds. Hence, the delay is condoned. Appeal is ordered to be registered after removal of office objections.

6. Civil Application stands disposed of.

CIVIL APPLICATION NO. 1863 OF 2019 :-

7. The Applicants – original claimants have filed this application for withdrawal of the compensation deposited by the Appellant – Corporation.

8. The records reveal that the Applicants have already withdrawn an amount of Rs.9,73,950/- which fact has not been disclosed in the application. Since the applicants have previously withdrawn the compensation, I am not inclined to allow any further withdrawal at this stage.

9. Application stands disposed of.

FIRST APPEAL (ST.) NO. 8581 OF 2018 :-

10. Mr. Gorade, learned counsel waives service on behalf of the Respondent Nos.1 to 3. Since the accident is of the year 2016, the parties are put to notice that an endeavour will be made to decide the appeal finally at the stage of admission. Leave granted to the Appellant to file compilation of documents within two weeks.

11. Stand over to **25/09/2023**.

(SMT. ANUJA PRABHUDESSAI, J.)