



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

**INTERIM APPLICATION NO.3793 OF 2023
WITH
INTERIM APPLICATION NO.3795 OF 2023
IN
FIRST APPEAL (STAMP) NO.9328 OF 2023**

Divisional Controller, Maharashtra
State Road Transport Corporation,
Nashik Division, Nashik

...Applicant/Appellant

Versus

Usha Sanjay Patil and Anr.

...Respondents

**WITH
INTERIM APPLICATION NO.14696 OF 2023
IN
FIRST APPEAL (STAMP) NO.9328 OF 2023**

Usha Sanjay Patil and Anr.

...Applicants/Claimants

Versus

Maharashtra State Road Transport
Corporation through its Divisional
Controller, Nashik

...Respondent

...

Mr. Amit Gharte for the Appellant-MSRTC.
Mr. Pritesh Bohade for the Claimants.

CORAM: SMT. ANUJA PRABHUDESSAI, J.

DATED: 28th AUGUST, 2023.

P. C. :-

INTERIM APPLICATION NO.3795 OF 2023:-

1. Learned counsel for the Applicant states that pursuant to

order dated 17/4/2023 the Applicant-MSRTC has deposited the entire compensation as per the impugned Judgment and Award before the Claims Tribunal -Nashik.

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

3. The application stands disposed of.

INTERIM APPLICATION NO.3793 OF 2023:-

4. Mr. Pritesh Bohade, learned counsel waives service of notice on behalf of Respondent Nos.1 and 2-Claimants.

5. By this application, the Applicant has sought to condone the delay of 16 days in filing the appeal under Section 173 of the Motor Vehicles Act, 1988.

6. Having considered the reasons stated in paragraph No.2, which in my considered view constitute sufficient ground, the delay is condoned. The appeal be registered.

7. The application stands disposed of.

FIRST APPEAL (STAMP) NO.9328 OF 2023:-

8. Mr. Pritesh Bohade, learned counsel waives service of notice on behalf of the Claimants.

9. Considering the narrow controversy involved in the matter, parties are put to notice that an endeavour will be made to dispose of the appeal finally at the stage of admission. Leave is granted to the Appellant to file compilation of documents within a period of three weeks.

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

INTERIM APPLICATION NO.14696 OF 2023:-

11. The Applicants, who are the original Claimants have sought withdrawal of the compensation deposited by the Appellant - MSRTC before the Claims Tribunal Nashik in M.A.C.P. No.463 of 2020.

12. Considering the reasons stated in 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, Nashik that the amount will be refunded with interest in the event the Appellant succeeds in the appeal.

13. The application stands disposed of.

(SMT. ANUJA PRABHUDESSAI, J.)