



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

**INTERIM APPLICATION NO.3898 OF 2023
WITH
INTERIM APPLICATION NO.3899 OF 2023
IN
FIRST APPEAL (STAMP) NO.11026 OF 2023**

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

...Applicant/Appellant

Versus

Prashant Sadashiv Chavanke

...Respondents

**WITH
INTERIM APPLICATION NO.14704 OF 2023
IN
FIRST APPEAL (STAMP) NO.11026 OF 2023**

Prashant Sadashiv Chavanke

...Applicants/Claimants

Versus

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

...Respondent

...

Mr. Nitesh Bhutekar with Mr. Aniket Nangare for the Appellant.
Mr. Pritesh Bohade for the Applicants-Claimants.

CORAM: SMT. ANUJA PRABHUDESSAI, J.

DATED: 28th AUGUST, 2023.

P. C. :-

INTERIM APPLICATION NO.3899 OF 2023:-

1. At the outset, learned counsel for the Applicant seeks leave

to amend the prayer clause (a) so as to substitute the word “Mumbai” with the word “Nashik”. Leave is granted. Amendment to be carried out forthwith.

2. Learned counsel for the Applicant states that pursuant to order dated 19/04/2023 the entire amount of compensation as per the impugned Judgment and Award dated 02/11/2022 passed in M.A.C.P. No.368 of 2020 is deposited before the Claims Tribunal Nashik.

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

4. The application stands disposed of.

INTERIM APPLICATION NO.3898 OF 2023:-

5. Mr. Pritesh Bohade, learned counsel waives service of notice on behalf of the Respondent -Claimant.

6. By this application, the Applicant -MSRTC seeks to leave to condone the delay of 40 days in filing the appeal under Section 173 of the Motor Vehicles Act, 1988.

7. In view of the reasons stated in paragraph 3 of the application, which in my considered view constitute sufficient grounds, the delay is condoned. The appeal be registered.

8. The application stands disposed of.

FIRST APPEAL (STAMP) NO.11026 OF 2023:-

9. Mr. Pritesh Bohade, learned counsel waives service of notice on behalf of the Respondent.

10. Considering the narrow controversy involved in the matter, parties are put to notice that an attempt will be made to dispose of the appeal finally at the stage of admission. Parties to file compilation of documents within a period of three weeks.

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

INTERIM APPLICATION NO.14704 OF 2023:-

12. Learned counsel for the Applicant-Claimant seeks leave to withdraw the compensation deposited by the Appellant-MSRTC before the Claims Tribunal, Nashik in M.A.C.P No.368 of 2020.

13. In view of the reasons stated in the application, the

Applicant-Claimant is permitted to withdraw 50% of the compensation subject to filing of an undertaking that the amount will be refunded with interest in the event the Appellant succeeds in the appeal.

14. The application stands disposed of.

(SMT. ANUJA PRABHUDESSAI, J.)