

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

**FIRST APPEAL (ST) NO.11204 OF 2023
WITH
INTERIM APPLICATION NO.4154 OF 2023
AND
INTERIM APPLICATION NO.4153 OF 2023
IN
FIRST APPEAL (ST) NO.11204 OF 2023**

**MAHARASHTRA STATE ROAD TRANSPORT)
CORPORATION)...APPELLANT**

V/s.

GEETA AJAY PAWAR AND OTHERS)...RESPONDENTS

**WITH
INTERIM APPLICATION NO.12664 OF 2023
IN
FIRST APPEAL (ST) NO.11204 OF 2023**

GEETA AJAY PAWAR AND OTHERS)...APPLICANTS

V/s.

**MAHARASHTRA STATE ROAD TRANSPORT)
CORPORATION)...RESPONDENT**

Mr.F.A.Ansari i/b. Mr.Amit A. Gharte, Advocate for the Appellant/
Applicant in IA/4154/2023 and IA/4153/2023.

Mr.T.J.Mendon, Advocate for the Respondents No.1 to 4 / Applicants in
IA/12664/2023.

CORAM : ABHAY AHUJA, J.

DATE : 23rd JUNE 2023

PC. :

INTERIM APPLICATION NO.4154 OF 2023

1. This is an application seeking stay on the execution of the judgment and award dated 19th December 2022 passed by the Motor Accident Claims Tribunal, Mumbai, in Motor Accident Claim Petition No.2152 of 2019.
2. Learned counsel for the Applicant/Appellant submits that the entire decretal amount has already been deposited in M.A.C.T., Mumbai, subject to which an interim stay was granted by this Court on 26th April 2023.
3. Mr. Mendon, learned Counsel for the Respondents, confirms that the amount has been deposited.
4. Having heard the learned Counsel and having perused the application as well as the previous order passed by this Court, let the stay granted earlier to continue till the final disposal of the Appeal.
5. The application stands disposed.

INTERIM APPLICATION NO.4153 OF 2023

6. This is an Interim Application for seeking condonation of delay of 17 days in preferring the Appeal against the judgment and award dated

19th December 2022 passed by the Motor Accident Claims Tribunal, Mumbai, in Motor Accident Claim Petition No.2152 of 2019.

7. Mr.Ansari, learned Counsel for the Applicant/ Appellant, draws the attention of this Court to paragraph 2 of the application in support of his contention to condone the delay.

8. Mr.Mendon, learned Counsel for the Respondents, has no particular objection if the delay is condoned.

9. Having heard the learned Counsel and having perused the application, let the delay of 17 days be condoned. Let the First Appeal be registered.

10. The application stands disposed.

INTERIM APPLICATION NO.12664 OF 2023

11. This is an application seeking withdrawal of the amount deposited by the Appellant before the Motor Accident Claims Tribunal, Mumbai, by the widow, minor daughter and parents of the deceased, who met with an accident on 15th July 2019, resulting in his death.

12. Mr.Mendon, learned Counsel for the Applicants, would submit that the Applicants were completely dependent on the income of the deceased and due to his sudden death, they have lost the only bread winner of the family. He would submit that the Applicants have now to depend on the extended family members, friends and relatives for financial help for their survival and are under going hardship, even for their day to day expenses.

13. Mr.Ansari, learned Counsel for the Respondent-Corporation would submit that some amount may be allowed to be withdrawn, subject to certain terms and conditions.

14. Having heard the learned Counsel and having perused the application, this Court is of the view that interest of justice would be served for the present, if 30% of the amount deposited in Motor Accident Claims Tribunal, Mumbai, is allowed to be withdrawn by the Applicants.

15. Let 30% of the amount deposited in the Tribunal be allowed to be withdrawn by the Applicants, in the same proportion as contained in Clause (5) of the order dated 19th December 2022, 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.

16. The application stands disposed in the above terms.

FIRST APPEAL (ST) NO.11204 OF 2023

17. List the First Appeal for Admission on **25th August 2023** subject to removal of all office objections.

(ABHAY AHUJA, J.)