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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

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INTERIM APPLICATION NO.12718 OF 2023
IN
FIRST APPEAL (STAMP) NO.15171 OF 2023

Maharashtra State Road Transport Corporation ...Applicant
V/s.
Smt.Suman S. Umak ...Respondent

Mr.Amit A. Gharte for the Applicant.

Mr.Bharat Gadhavi for the Respondent and for the Applicant in IA
No.16048 of 2023.

CORAM : RAJESH S. PATIL, J.
DATE : 25TH OCTOBER, 2023.

P.C. :-

1. This Interim Application is filed for condoning the delay in filing the First Appeal.
2. The counsel for Respondent states that he has no objection in condoning the delay of 67 days in filing the First Appeal.
3. I have heard both sides and I have gone through the contents of the application. I am satisfied that the Applicant has made out a case to condone the delay. Hence, the Interim Application needs to be allowed. The Interim Application is made absolute in terms of prayer clause (a).

4. The Interim Application stands disposed of.

WITH
INTERIM APPLICATION NO.12719 OF 2023
IN
FIRST APPEAL (STAMP) NO.15171 OF 2023

Maharashtra State Road Transport Corporation ...Applicant

V/s.

Smt.Suman S. Umak ...Respondent

1. This Interim Application is filed seeking stay to the impugned judgment and award dated 6 October 2022 passed by MACT, Mumbai in MACP No.1332 of 2018.

2. This Court by an order dated 7 July 2023 allowed the Appellant to deposit the entire amount as mentioned in the judgment and award dated 6 October 2022.

3. Advocate for the Appellant states that they have already deposited the entire amount with accrued interest as per award dated 6 October 2022.

4. Hence interim stay granted by this Court by an order dated 6 October 2022 is extended till the hearing and final disposal of the First Appeal.

5. The Interim Application is accordingly disposed of.

WITH
INTERIM APPLICATION NO.16048 OF 2023
IN
FIRST APPEAL (STAMP) NO.15171 OF 2023

Smt.Suman S. Umak	...Applicant
V/s.	
Maharashtra State Road Transport Corporation	...Respondent

1. This Interim Application is filed by the original claimant for withdrawal of the amount deposited by the Appellant / MSRTC.

2. It is the case of the Applicants that she is widow of the deceased, who unfortunately met with an accident. Further her case is that the bus of the Appellant / MSRTC was driven in a very excessive speed, due to which her husband met with accident and he lost his life. It is further her case that the deceased was a farmer and was the only earning member in the family. The Applicant further states that after the death of her husband, she is doing household work for survival of herself and it is very difficult for her to maintain herself for shelter, day to day expenses and also medical expenses. The Applicant further states that she is in dire need of money.

3. I have heard both the sides and I have gone through the contents of the Interim Application. According to me, in the interest of justice, it would be appropriate if the Applicant is permitted to withdraw 70% of the 'Award' amount deposited by the Appellant / MSRTC along with accrued interest as per the impugned Judgment and Award.

4. The 70% of the 'Award' amount awarded to the Applicant

allowed to be withdrawn along with accrued interest, upon furnishing an undertaking before the concerned MACT to the effect that if she fail in this First Appeal, she will return the amount with interest, at such rate as may be directed by this Court at the time of disposal of the First Appeal.

5. The Registry to see that the money is transferred to the account of the Applicant.

6. Balance amount shall be invested in the fixed deposit of a nationalized bank initially, for a period of one year and thereafter for like period depending the pendency of this Court.

7. All the parties to act on an authenticated copy of this order. Issuance of certified copy of this order is expedited.

8. The interim application is accordingly disposed of.

(RAJESH S. PATIL, J.)