

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

INTERIM APPLICATION NO.18786 OF 2022
IN
FIRST APPEAL (ST) NO.20534 OF 2022

Maharashtra State Road Transport Corporation .. Applicant
V/s
Rupali Rohidas Waghe and ors .. Respondents

WITH
INTERIM APPLICATION NO.18787 OF 2022
IN
FIRST APPEAL (ST) NO.20534 OF 2022

Maharashtra State Road Transport Corporation .. Applicant
V/s
Rupali Rohidas Waghe and ors .. Respondents

WITH
INTERIM APPLICATION NO.13425 OF 2023
IN
FIRST APPEAL (ST) NO.20534 OF 2022

Maharashtra State Road Transport Corporation .. Applicant
V/s
Rupali Rohidas Waghe and ors .. Respondents

Mr. Manjit Lotankar i/b. Mr. D. D. Rananaware for the Applicant/
Appellant in IA No.18786/2022 and IA No.18787/2022 and for the
Respondent in IA/13425/2023.

Ms. Neha Nagotankar for the Respondent in IA No.18786/2022 and
IA No.18787/2022 / Applicants in IA No.13425/2023.

CORAM: ABHAY AHUJA, J.

DATE : 21 July 2023

P.C. :-

INTERIM APPLICATION NO.18786 OF 2022

1. This is an application for condonation of delay of 49 days in preferring the appeal against the Judgment and Award dated 21 February 2022 passed by the learned MACT, Raigad Alibag in MACP No.237 of 2019.
2. Mr. Manjit Lotankar i/b. Mr. D. D. Rananaware, learned counsel for the applicant draws the attention of this Court to paragraphs 3 to 5 of the application in support of his contention to condone the delay.
3. Ms. Neha Nagotaneekar, learned counsel for the respondents raises formal objection.
4. I have heard the learned counsel for the parties and I have perused the application, let the delay of 49 be condoned. Let the First Appeal be registered.
5. Interim Application No.18786 OF 2022 stands disposed of.
6. List the First Appeal on **24 August 2023** for admission.

INTERIM APPLICATION NO.18787 OF 2022

1. This application is filed for seeking stay on the execution of the aforementioned Judgment and Award dated 21 February 2022.
2. Mr. Manjit Lotankar i/b. Mr. D. D. Rananaware, learned counsel for the applicant submits that the entire decretal amount has already been deposited in the trial court. Ms. Neha Nagotanekar, learned counsel for the respondent confirms the same.
3. Having heard the learned counsel for the parties and having perused the application, let the stay granted on 6 September 2022 be continued till the final disposal of the appeal.
4. Interim Application No.18787 OF 2022 accordingly stands disposed of.

INTERIM APPLICATION NO.13425 OF 2022

1. This application is filed by the original claimants – respondents in the aforesaid appeal seeking withdrawal of the entire amount deposited in the matter.
2. Ms. Neha Nagotanekar, learned counsel for the applicants would submit that the deceased was a labourer and only earning member in his family. She would submit that after his demise as on today he is survived

by his widow, minor son and the mother who is senior citizen. She would submit that the income of the widow is not sufficient to maintain the expenses of the minor and the senior citizen members of family and on merits she submits that the appellant has no case and the driver of the bus was negligent. She therefore submits that the entire amount be permitted to be withdrawn.

3. On the other hand, Mr. Manjit Lotankar i/b. Mr. D. D. Rananaware for the appellant would submit that only 50% of the amount be allowed to be withdrawn subject to terms and conditions.

4. Having heard the learned counsel for parties and having perused the application, this Court is of the view that the interest of justice could be served if 50% of the amount deposited in the trial Court is allowed to be withdrawn by the appellant in the manner as set out in the order of the Tribunal subject to an undertaking that in the event the Appeal is allowed in favour of the Corporation, the entire money so withdrawn would be brought back along with interest within a period of four weeks.

5. Interim Application No. 13425 of 2022 accordingly stands disposed of.

(ABHAY AHUJA, J.)