

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

INTERIM APPLICATION NO. 15017 OF 2023
IN
FIRST APPEAL (ST) NO. 9203 OF 2023

Rajendra Kashinath Pawar & Ors.

... Applicants
(Org. Claimants)

Versus

The Maharashtra State Road Transport
Corporation

... Respondents/
(Org. Opponents)

IN THE MATTER BETWEEN:

The Maharashtra State Road Transport
Corporation

... Appellant

Versus

Rajendra Kashinath Pawar & Ors.

... Respondents

WITH
INTERIM APPLICATION NO.3197 OF 2023
WITH
INTERIM APPLICATION NO. 3198 OF 2023
IN
FIRST APPEAL (ST) NO. 9203 OF 2023

The Maharashtra State Road Transport
Corporation

... Appellant

Versus

Rajendra Kashinath Pawar & Anr.

... Respondents

Mr. Nitesh Bhtekar, a/w. Aniket Nagare, for the Appellant in IA
Nos. 3197/3198/2023.

Mr. Sumant Deshpande for the Respondents in FA (ST)/9203/2023
& for the Applicants in IA/15017/2023.

CORAM : RAJESH S. PATIL, J.

DATED : 14th SEPTEMBER, 2023

P.C.:

INTERIM APPLICATION NO.3197 OF 2023

WITH

FIRST APPEAL (ST) NO. 9203 OF 2023

1. The Interim Application No. 3197 of 2023 is filed for condoning the delay in filing the First Appeal.
2. There is a delay of 79 days in filing the First Appeal. The learned counsel for the Respondents states that he has no objection in condoning the delay and if matter is taken up hearing immediately.
3. I have gone through the contents of the application and I am satisfied that the Appellant has made out a case to condone the delay. Hence, Application is allowed in terms of prayer clause (a).
4. The Interim Application No.3197 of 2023 is accordingly disposed of.

INTERIM APPLICATION NO. 3198 OF 2023

IN

FIRST APPEAL (ST) NO. 9203 OF 2023

1. This Interim Application is filed for seeking stay to the execution and implementation of impugned judgment and award dated 3 October 2022 passed by the Motor Accident Claims Tribunal (“**MACT**”), Khed-Rajgurunagar, District- Pune in Motor Accident Claims Petition No. 147 of 2014.
2. By an order dated 29 March 2023, ad-interim relief was granted subject to the deposit of the entire awarded amount with interest. The learned advocate for the Appellant states that his client has deposited the entire awarded amount.
4. In view of the same, interim order passed on 29 March 2023, is hereby confirmed till the disposal of the First Appeal.
5. Interim Application No. 3198 of 2023 is accordingly disposed of.

INTERIM APPLICATION NO. 15017 OF 2023
IN
FIRST APPEAL (ST) NO. 9203 OF 2023

1. This Interim Application is filed by the Original Claimant for withdrawal of the amount deposited by the Original Appellant-MSRTC, before the MACT, Khed-Rajgurunagar, Pune.
2. It is the case of the Applicants’ that Applicant Nos. 1 and 2 are aged person requiring medical treatment due to old age. The Applicants have also availed a loan from HDFC Bank for which they have to pay EMI to the bank. Therefore, Applicants state that they may be allowed to withdraw the entire amount deposited by

the MSRTC.

3. I have heard both the sides and I have gone through the contents of the Interim Application. The case is made out to grant the amount deposited by the MSRTC.

4. I hereby grant a sum of Rs.5,00,000/- each to the Applicants.

5. The decretal amount awarded to Applicant Nos. 1, 2 & 3 (Original Claimants) is allowed to be withdrawn, upon furnishing an undertaking before the concerned MACT to the effect that if they fail in this First Appeal, they 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.

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 upon the pendency of this Court.

7. The Interim Application No.15017 of 2023 is accordingly disposed of.

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

(RAJESH S. PATIL, J.)