



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

**INTERIM APPLICATION NO.18797 OF 2022
WITH
INTERIM APPLICATION NO.18798 OF 2022
IN
FIRST APPEAL (STAMP) NO.22115 OF 2022**

Maharashtra State Road Transport
Corporation through its Divisional
Controller, Nashik

...Applicant/Appellant

Versus

Nikesh Murlidhar Bhoye

...Respondent

**WITH
INTERIM APPLICATION NO.13819 OF 2023
IN
FIRST APPEAL (STAMP) NO.22115 OF 2022**

Nikesh Murlidhar Bhoye

...Applicant/Claimant

Versus

Maharashtra State Road Transport
Corporation through its Divisional
Controller, Nashik

...Respondent

...

Mr. Nitesh Bhutekar for the Appellant -Insurance Company.
Mr. Pritesh Bohade for the Claimant.

CORAM: SMT. ANUJA PRABHUDESSAI, J.

DATED: 28th AUGUST, 2023.

P. C. :-

INTERIM APPLICATION NO.18798 OF 2022:-

1. Learned counsel for the Applicant states that pursuant to

order dated 14/11/2022 the entire compensation as per the impugned Judgment and Award has been deposited before the Claims Tribunal, Nashik.

2. In the light of the said statement, execution and implementation of the impugned Judgment and Award dated 17/03/2022 passed in Claim Petition No.101 of 2018 is stayed pending hearing of the appeal.

3. The application stands disposed of.

INTERIM APPLICATION NO.18797 OF 2022:-

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

5. By this application, the Applicant has sought to condone the delay of 47 days in filing the appeal under Section 173 of the Motor Vehicles Act, 1988.

6. Considering the reasons stated in paragraph 3(i) of the application, which in my considered view constitute sufficient ground,

the delay is condoned. The appeal be registered.

7. The application stands disposed of.

FIRST APPEAL (STAMP) NO.22115 OF 2022:-

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

9. Learned counsel for the Appellant states that challenge is only to the quantum of compensation.

10. Considering the narrow controversy involved, parties are put to notice that an endeavour will be made to decide the appeal finally at the stage of admission. Leave is granted to file compilation of documents on or before the next date of hearing.

11. Connected First Appeal (Stamp) Nos.18142 of 2022, 22206 of 2022 and 18372 of 2022 to be placed on board on **25/09/2023.**

INTERIM APPLICATION NO.13819 OF 2023:-

12. The Applicant-original Claimant seeks withdrawal of

compensation deposited by the Appellant-Insurance Company.

13. Considering the reasons stated in the paragraph Nos.4 and 5 of the application, the Applicant/Claimant is permitted to withdraw 50% of the compensation with proportionate interest accrued thereon subject to filing of an undertaking before the Claims Tribunal, Nashik, that the amount with proportionate interest will be refunded in the event the Appellant succeeds in the appeal.

14. The application stands disposed of.

(SMT. ANUJA PRABHUDESSAI, J.)