



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

**INTERIM APPLICATION NO.12947 OF 2023
IN
FIRST APPEAL (STAMP) NO.32127 OF 2022**

Hirabai Sanjay Dambale and Ors. ...Applicants

In the matter between
Divisional Controller, MSRTC ...Appellant

Versus

Hirabai Sanjay Dambale and Ors. ...Respondents

**INTERIM APPLICATION NO.3578 OF 2023
(FOR DELAY)**

WITH

**INTERIM APPLICATION NO.3579 OF 2023
(FOR STAY)**

IN

FIRST APPEAL (STAMP) NO.32127 OF 2022

Divisional Controller, MSRTC ...Appellant

Versus

Hirabai Sanjay Dambale and Ors. ...Respondents

...

Mr. Pritesh Bohade for the Applicants-Claimants.

Mr. Dhananjay Rananaware with Advocate Manjeet Lotankar for the Respondents.

CORAM: SMT. ANUJA PRABHUDESSAI, J.

DATED: 28th AUGUST, 2023.

P. C. :-

INTERIM APPLICATION NO.12947 OF 2023:-

1. The Applicants, who are claimants have sought withdrawal

of the compensation deposited by the Appellant -Divisional Controller, M.S.R.T.C., before the Claims Tribunal, Nashik in M.A.C.P No.302 of 2020.

2. In view of the reasons stated in paragraph Nos.4 and 5 of the application, the Applicants are permitted to withdraw 50% of the compensation deposited by the Appellant with proportionate interest accrued thereon, subject to filing of an undertaking that the amount will be refunded with interest in the event the Appellant succeeds in the appeal.

3. The application stands disposed of.

INTERIM APPLICATION NO.3578 OF 2023:-

4. Not on board. Upon being mentioned, taken on board.

5. Mr. Pritesh Bohade, learned counsel waives service on behalf of Respondent Nos.1 to 4.

6. By this application, the Applicant has sought to condone the delay of 69 days in filing the appeal against Judgment and Award dated 04/05/2022 passed by the Member, M.A.C.T., Nashik in M.A.C.P

No.302 of 2020.

7. In view of the reasons stated in paragraph No.4 of the application, which in my considered view constitute sufficient cause, the delay is condoned. The appeal be registered.

8. The application stands disposed of.

INTERIM APPLICATION NO.3579 OF 2023:-

9. Not on board. Upon being mentioned, taken on board.

10. Learned counsel for the Appellant states that the entire compensation as per the impugned Judgment and Award dated 04/05/2022 passed by the Member, M.A.C.T., Nashik in M.A.C.P No.302 of 2020, has been deposited before the Claims Tribunal, Nashik.

11. In the light of the said statement, execution and implementation of the impugned Judgment and Award is stayed pending hearing of the appeal.

12. The interim application stands disposed of.

FIRST APPEAL (STAMP) NO.32127 OF 2022:-

13. Mr. Pritesh Bohade, learned counsel waives service on behalf of the Respondents.

14. Learned counsel for the Appellant states that the challenge is only to the quantum of compensation as well as to the findings recorded on the issue of negligence.

15. Considering the narrow controversy involved in the matter, parties are put to notice that the appeal will be decided finally at the stage of admission. Leave is granted to the parties to file compilation of documents within a period of two weeks.

16. Stand over to **11/09/2023**.

(SMT. ANUJA PRABHUDESSAI, J.)