

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

INTERIM APPLICATION NO.758 OF 2019

IN

FIRST APPEAL NO.689 OF 2023

THE MAHARASHTRA STATE ROAD TRANSPORT)
CORPORATION)...APPLICANT

V/s.

SHEETAL DNYANESHWAR SAWANT & ORS.)...RESPONDENTS

Mr.Aniket Nangare i/by Mr.N.V.Bhutekar, Advocate for the Applicant.

None for the Respondents.

CORAM : ABHAY AHUJA, J.

DATE : 13th JULY 2023

PC. :

1. This is an Interim Application seeking stay on the execution of the impugned judgment and award dated 6th March 2018 passed by the Motor Accident Claims Tribunal, Mumbai in Motor Accident Claim Petition No.1150 of 2013.

2. Mr.Aniket Nangare, learned Counsel for the Applicant, submits that the entire decretal amount of Rs.68,51,234/- has been deposited in Motor Accident Claims Tribunal, Mumbai and that the stay granted on 20th November 2019 be continued till the final disposal of the Appeal.

3. Having heard the learned Counsel and having perused the record, let the stay granted on 20th November 2019 be continued till the final disposal of the Appeal.

4. Interim Application, accordingly, stands disposed.

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5. This is an Appeal impugning the judgment and award dated 6th March 2018 passed by the Motor Accident Claims Tribunal, Mumbai in Motor Accident Claim Petition No.1150 of 2013.

6. Mr.Aniket Nangare, learned Counsel for the Appellant, would submit that this is a case of head-on collision between the ST bus owned by the Appellant Corporation and Tavera vehicle in which the deceased was travelling, and therefore, the Tribunal ought to have held the driver atleast 50% contributory negligent.

7. Having heard the learned Counsel and having perused the grounds and the impugned decision, the following order is passed :

ORDER

- (i) Admit.
- (ii) Registry is directed to call for Record and Proceedings within a period of four weeks.

- (iii) Let private paper book be filed within a period of four weeks thereafter with a copy to the other side.
- (iv) List on **14th September 2023**.

(ABHAY AHUJA, J.)