



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

CIVIL APPLICATION NO. 526 OF 2024
IN FAST/33673/2022 WITH C.A. 6984/23 IN FA (ST)/ No.33673 of
2022 WITH C.A. 6985 OF 2023 IN FA (ST) No. 33673/2022

Sachin Ramkrushna Gurav

....Applicant

VERSUS

Divisional Controller Maharashtra State Road Transport Corporation
Through Its Depot Controller

.....Respondent

.....

Advocate for Applicant : Mr. K. N. Shermale

Advocat for Respondent : Mr. B. S. Deshmukh

...

CORAM : S. G. MEHARE, J.

DATE : 19.01.2024

ORDER :

IN CIVIL APPLICATION NO. 526 OF 2024

1. Heard the learned counsel for the applicants and the learned counsel for the respondent/appellant.

2. The applicants have preferred the appeal contending that the compensation awarded for the permanent disability is disproportionate to the disability suffered to the applicant No.1/original claimant. The award is exorbitant. However, the permanent disability has not been

denied. It is an appeal against the quantum. Considering the facts and circumstances of the case, the following order is passed. :-

ORDER

- (i) The application is partly allowed.
- (ii) The applicant is allowed to withdraw Rs. 9,00,000/- (Rupees nine lakhs) with proportionate interest accrued thereon, out of the amount deposited in the Court on the undertaking that he would the deposit the amount if the award is set-aside or modified.

CIVIL APPLICAION NO. 6984 OF 2023 (DELAY)
CIVIL APPLICATION NO. 6985 OF 2023 (STAY)

- 3. Heard the learned counsel for the appellant and the learned counsel for the respondent.
- 4. The learned counsel for the respondent strongly opposed the application for condonation of delay. He would submit that the delay is un-explained. Hence, the application may be rejected.
- 5. The learned counsel for the appellant submitted that the delay was beyond the control of the appellant. It was a short delay and not deliberate. Hence, he prayed to allow the application. He further argued that the entire amount of the compensation has been deposited. Hence, the execution of the award may be stayed.

6. For the reasons mentioned in the application, the delay is liable to be condoned and the stay application is also liable to be allowed.

Hence, the following order :-

ORDER

- (i) The applications are allowed.
- (ii) The delay caused in preferring the appeal is condoned.
- (iii) The execution of the award is stayed till the conclusion of the appeal.
- (iv) Office is directed to register the appeal.

FIRST APPEAL (ST) No. 6984 of 2023

7. **Admit.**

8. Issue notice to the respondents for final hearing at the admission stage.

9. The learned counsel for the respondent Mr. Shermale waives service of the notice for respondents.

10. Call record and proceedings.

11. List the matter after receipt of the record and proceeding at the admission stage.

(S. G. MEHARE)
JUDGE

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