

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

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INTERIM APPLICATION (ST) NO.16199 OF 2021
WITH
INTERIM APPLICATION NO.2872 OF 2021
IN
FIRST APPEAL (ST) NO.16197 OF 2021

Sudhir Chandrakant Mahajan ...Appellant/Applicant
vs.

Surekha Ramesh Kagade and Ors. ...Respondents

WITH
INTERIM APPLICATION NO.4118 OF 2023
IN
FIRST APPEAL (ST) NO.16197 OF 2021

Surekha Ramesh Kagade and Ors. ...Applicants

In the matter between:-

Sudhir Chandrakant Mahajan ...Applicant
vs.

Surekha Ramesh Kagade and Ors. ...Respondents

Bhavana Kongre i/b. Mr.Purushottam Chavan:-	Advocate for Appellant.
Mr.Ashish Vernekar:-	Advocate for Respondent No.1.

CORAM : S. M. MODAK, J.
DATE : 13th AUGUST 2024

P. C. :-

1. The learned Member – Motor Accident Claims Tribunal¹ - Pandharpur as per the Award dated 14th March 2017 fixed the joint and several liability on Respondent Nos.1 and 2. The quantum is Rs.5,48,175/- (Rupees Five Lakh Forty Eight Thousand One Hundred Seventy Five Only)² plus 7% interest. The Respondent No.2 – Sudhir is the owner whereas, Respondent No.1 – Somanath is the driver. This Appeal is filed by the owner.
2. There is a delay of more than four (4) years. The Claimants have appeared but not the driver.
3. The present Appellant has deposited Rs.1,50,000/- (Rupees One Lakh Fifty Thousand Only) as per the order of this Court³. The Application of the Claimants for withdrawal is pending. Before the Executing Court, the driver and owner have deposited certain amounts and it is also withdrawn by the Claimants.
4. Earlier, an adjournment was sought on the ground of settlement. But, all the parties must come forward and exchange their proposal. The driver is not before us. So, let the matter be referred to the Mediation at Pandharpur. At the same time, the Claimants can be

¹ “MACT”

² Para No.(2) of Operative Part of Order dated 14th March 2017

³ Order dated 12th October 2021 vide Para No.8.

permitted to withdraw 50% of the deposited amount in this Court.

5. In view of that, following order is passed:-

ORDER

- (i) Let the matter be referred to District Legal Services Authority–Pandharpur for mediation.
- (ii) Let learned Secretary–DLSA–Pandharpur to appoint a Mediator.
- (iii) He can issue notices to the respective parties and conduct meetings.
- (iv) Both the parties are directed to appear before the learned Secretary-DLSA-Pandharpur on **22nd August 2024**.

6. The Claimants are permitted to withdraw 50% of the deposited amount along with interest on usual undertaking.

7. In view of the above, the Interim Application No.4118 of 2023 stands disposed of.

8. Matter be listed for “**Compliance**” on **15th October 2024** for **directions**.

[S. M. MODAK, J.]