

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
FIRST APPEAL NO. 956 OF 2024**

The Maharashtra State Road Transport Corporation through Divisional Controller,
Kolhapur. ... Appellant

versus

Hambirrao Bapusa Yadav and ors. Respondents

Mr. Nitesh V. Bhutekar along with Mr. Aniket Nangare, Advocate for the Appellant.

Mr. Bhushan Walimbe, Advocate for the Respondents.

CORAM : ARUN R. PEDNEKER, J.

DATE : 2nd JULY, 2024.

P.C. :

1. In the instant case, the appeal is filed by the Maharashtra State Transport Corporation (for short "the MSRTC") challenging the order passed by the Motor Accident Claims Tribunal, Kolhapur (for short "the MACT") granting injury compensation of Rs.53,765/- @ 7% p.a. from the date of judgment and award till realization of the entire amount to the claimant who has sustained injuries in the accident.

2. The claimant was a pillion-rider travelling on the motorcycle. The learned counsel appearing for the appellant submits that the accident is caused due to negligence of the motorcycle driver and that the motor injury claim is allowed by the Tribunal against which the appeal being First Appeal No.1040 of 2020 is filed and pending before this Court.

After arguing for some time, the learned counsel submits that in the event it is held that the motorcycle rider is negligent, then the claim would be foisted upon the owner of the motorcycle, so also the Insurance Company and the appellant will be absolved of the liability. The present appeal will have bearing upon the appeal filed by the rider of the motorcycle.

3. The amount involved in the present appeal is meagre, hence, it would not be appropriate to call upon the injured respondent to contest the proceedings. Leaving all the questions of fact and law open, without concluding any of the issues in the appeal, the appeal is dismissed on the ground of meagre compensation. Accordingly, dismissal of this appeal will have no effect on the pending other appeal filed by the appellant.

4. The amount deposited in the Court for filing the appeal under Section 173 of the Motor Vehicles Act, 1988 be transmitted to the MACT. The appellant is permitted to withdraw the amount in terms of the final orders passed by the Tribunal.

5. The appeal is dismissed.

(ARUN R. PEDNEKER, J.)