

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

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FIRST APPEAL (ST) NO.5122 OF 2024
WITH
INTERIM APPLICATION NO.1883 OF 2024
WITH
INTERIM APPLICATION NO.1882 OF 2024
IN
FIRST APPEAL (ST) NO.5122 OF 2024

Maharashtra State Road Transport Corporation
Through : Divisional Controller, Kolhapur ...Appellant/Applicant
vs.

Dilip Dattatraya Patil and Ors. ...Respondents

WITH
INTERIM APPLICATION NO.11554 OF 2024
IN
FIRST APPEAL (ST) NO.5122 OF 2024

Dilip Dattatraya Patil ...Applicant

In the matter between:-

Maharashtra State Road Transport Corporation
Through : Divisional Controller, Kolhapur ...Appellant
vs.

Dilip Dattatraya Patil and Ors. ...Respondents

Ms.Priyanka Lanke i/b. Mr.Nitesh V. Bhutekar:-	Advocate for Appellant.
Mr.Pritesh K. Bohade:-	Advocate for Respondents.

CORAM : S. M. MODAK, J.

DATE : 13th AUGUST 2024

P. C. :-

INTERIM APPLICATION NO.11554 OF 2024

1. Heard both the sides.
2. It is true that the Appellant – Maharashtra State Road Transport Corporation¹ has taken a defence of '*contributory negligence*' of the driver of the scooter - claimant. The driver of the ST Bus has given evidence, so also, the injured. However, it does not find favour with the Tribunal.
3. There is an opposition on behalf of the Appellant – MSRTC for allowing the amount of compensation.
4. Considering the facts, following order is passed:-

ORDER

- (i) The Claimant is permitted to withdraw 60% of the deposited amount along with interest subject to furnishing an usual undertaking.
5. In view of that, **Interim Application stands disposed of.**

INTERIM APPLICATION NO.1882 OF 2024

6. Heard both the sides.

¹ "MSRTC"

7. The Respondent Nos.2 and 3 are the formal parties. Notice is dispensed with.
8. Delay is opposed.
9. For the reasons stated in the Application, it is condoned.
10. In view of that, **Interim Application stands disposed of.**

INTERIM APPLICATION NO.1883 OF 2024

11. The entire decretal amount along with interest is deposited. **Stay is made absolute.**
12. In view of that, **Interim Application disposed of.**

FIRST APPEAL (ST) NO.5122 OF 2024

13. **Appeal is admitted.**
14. **Call Record and Proceeding.**
15. Let, either of the parties may file compilation within six (6) weeks.

[S. M. MODAK, J.]