



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR

FIRST APPEAL (ST) NO. 24522 OF 2023

The Divisional Controller, MSRTC, Nagpur
Vs.
Manju wd/o Bhagwan Gulpude and ors.

Office notes, Office Memoranda of
Coram, appearances, Court's orders
or directions and Registrar's orders.

Court's or Judge's Orders.

Mr. Vivek H. Kedar, Advocate for applicant.
Mr. Abhijit Rishi, Advocate for respondent Nos.1 to 4.

CORAM : ROHIT W. JOSHI, J.

DATE : 03.02.2025.

Heard.

2. **Rule.**
3. Call for record and proceedings.

Civil Application (CAF) No. 2220/2024

This is an application for condonation of delay of 248 days in filing first appeal under Section 173 of the Motor Vehicles Act. The appeal is attributed to administrative procedure which has been explained in paragraph Nos.2 and 3 of the application. The application is not opposed by filing reply.

2. In view of the reasons mentioned in the application, although the learned counsel for respondent Nos.1 to 4 opposes the application, the

same is condoned in the interest of justice. It will also be pertinent to mention that the entire amount as awarded by the learned Tribunal is deposited with this Court which is also a factor for exercising discretion in favour of the applicant. The application is allowed and disposed of accordingly. The delay is condoned.

3. The appeal be registered.

Civil Application (CAF) No.2221/2024

Since the entire amount is deposited, execution of the impugned award is stayed till final disposal of the appeal.

Civil Application (CAF) No.307/2025

The original claimant has moved the present application seeking permission to withdraw the amount deposited by the appellant with this Court. The substantial ground of challenge in the appeal is pertaining to contributory negligence, in such circumstances, it will be appropriate in the interest of justice to permit the respondent Nos.1 to 4 to withdraw 50% of the amount deposited subject to usual undertaking.

2. The civil application is disposed of.

(ROHIT W. JOSHI, J.)