



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

**CIVIL APPLICATION NO. 6795 OF 2025
IN FAST/9270/2025**

Balasaheb Nivrutti Phapale

VERSUS

Maharashtra State Road Transport Corporation

...

Mr. Shaikh Sohail Yusuf, Advocate for Applicant

Mr. Narayan Chavan h/f Mr. D. S. Bagul, Advocate for
Respondent no.1

...

WITH

CIVIL APPLICATION NO. 3313 OF 2025 IN FAST/9270/2025

WITH

CIVIL APPLICATION NO. 3314 OF 2025 IN FAST/9270/2025

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CORAM : AJIT B. KADETHANKAR.

DATED : 24TH SEPTEMBER, 2025

ORDER :-

CIVIL APPLICATION NO. 6795 OF 2025 IN FAST/9270/2025

. This Civil Application is filed seeking withdrawal of the amount deposited by the respondent/M.S.R.T.C. in this Court in the First Appeal St. No.9270 of 2025.

2. Feeling aggrieved by the judgment and award dated 12.05.2023, passed by the learned Member, Motor Accident Claims Tribunal, Ahmednagar in M.A.C.P. No.168 of 2018, the Maharashtra State Road Transport Corporation has filed present appeal.

3. It is submitted that the claim petition was an injury compensation claim petition wherein total compensation of Rs.77,500/- together with 6 percent per annum accrued interest is granted by the learned Tribunal.

4. Mr. Narayan Chavan h/f Mr. D. S. Bagul learned Advocate for the appellant/M.S.R.T.C. would strongly oppose the Civil Application contending that in the present matter, the involvement of the S.T. bus is absolutely false. He would demonstrate that the evidence given by the claimant himself would transpire that somersault has been taken to the earlier statements and the true story of accident. With this, he would submit that the application be rejected.

5. Learned Advocate for the claimant would point out that vide order dated 25.06.2024, passed by this Court in Civil Application No.3536 of 2024 in First Appeal St. No.33655 of 2023, this Court has permitted the applicants therein to withdraw 50 percent amount of the deposited amount on furnishing undertaking and 25 percent on furnishing solvent surety security to the satisfaction of the learned Registrar (Judicial) of this Court. He further submits that the claimant in the cited application was co-passenger with the present

applicant.

6. The defence of the appellant/M.S.R.T.C. in the present appeal as well in the cited matter is one and the same. Hence in the same tune, he seeks withdrawal.

7. After having heard both the parties, I am of the considered view that today the award stands in favour of the claimant. The entitlement of the applicant to receive compensation as also the liability of the M.S.R.T.C/appellant to compensate the applicant has been adjudicated by the learned Tribunal after assessing entire evidence on record. Since the appeal is pending, the appellant has every opportunity to point out how the learned Tribunal has delivered wrong judgment.

8. In view of this, I pass following order:

ORDER

- a. Civil Application stands partly allowed.
- b. Applicant is permitted to withdraw 75 percent of the deposited amount together with accrued interest thereon on furnishing usual undertaking and 25 percent on furnishing solvent surety/security to the satisfaction of the learned Registrar (Judicial) of this Court.
- c. Civil Application stands disposed of.

CIVIL APPLICATION NO. 3313 OF 2025 IN FAST/9270/2025 (DELAY)

. Feeling aggrieved by the judgment and award dated 12.05.2023, passed by the learned Member, Motor Accident Claims Tribunal, Ahmednagar in M.A.C.P. No.168 of 2018, the Maharashtra State Road Transport Corporation has filed present appeal.

2. Mr. Narayan Chavan h/f Mr. D. S. Bagul, learned Advocate for appellant submits that the delay is not inordinate nor it is deliberate or out of any lethargy or negligence on the part of M.S.R.T.C. He further submits that due to administrative exigency and to gather documents required in the peculiar facts of the case, some time is lapsed which has resulted into the present delay. Mr. Chavan submits that appeals arising out of the same accident are also pending in this Court, wherein issue of involvement of the M.S.R.T.C. bus is highly disputed as is disputed in the present appeal too. He would further submit that the appellant has even deposited entire amount in this Court pursuant to the order passed by this Court. Mr. Chavan would further submit that as such even otherwise interest of the claimant is also protected. In view of this He prays to condone the delay and to hear the matter on

merits.

3. Mr. Shaikh Sohail Yusuf, learned Advocate for claimants in all fairness places his no objection to condone the delay and also prays that the matter be heard on its own merits.

4. In view of this, I pass following order:

ORDER

- a. Civil application stands allowed.
- b. Delay caused in filing present First Appeal stands condoned.
- c. Registry to register the First Appeal on payment of deficit Court fees by the appellant/M.S.R.T.C. within two weeks from today. Failure to pay the deficit Court fees within given time shall result into de-registration of the First Appeal.

FIRST APPEAL ST. NO.9270 OF 2025

- . Admit.
2. Issue notice to the respondent. Mr. Shaikh Sohail Yusuf, learned Advocate waives service of notice for respondent-sole.
3. Print and paper book dispensed with.

(AJIT B. KADETHANKAR, J.)