



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

**CIVIL APPLICATION NO. 427 OF 2025
IN FAST/34604/2024**

Maharashtra State Road Transport Beed

VERSUS

Chanda Sanjay Wanve And Ors

.....

WITH

**CIVIL APPLICATION NO. 428 OF 2025
IN FAST/34604/2024**

Maharashtra State Road Transport Beed

VERSUS

Chanda Sanjay Wanve And Ors

.....

Adv. D. S. Bagul, Advocate for Applicant

Adv. A. S. Gandhi, Advocate for Respondent Nos.1 to 4

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**CIVIL APPLICATION NO. 4281 OF 2025
IN FAST/34604/2024**

Chanda Sanjay Wanve And Ors

VERSUS

Maharashtra State Road Transport Beed

.....

CORAM : S. G. CHAPALGAONKAR, J.

Dated : 16TH APRIL, 2025

PER COURT :-

CIVIL APPLICATION NO. 427 OF 2025

1. Heard Mr. Bagul, learned Advocate for applicant and
Mr. Gandhi, learned Advocate for the respondent Nos.1 to 4.

2. Applicant seeks to condone the delay of 120 days

caused in filing appeal.

3. Perused the application and the reasons stated therein. The delay has been occasioned on account of administrative exigencies. The applicant has not derived any advantage by making delay.

4. In that view of the matter, sufficient cause is made out to condone the delay. Hence, Civil Application is **allowed**, delay of 120 days caused in filing appeal is hereby condoned.

5. Appeal be registered, subject to removal of office objections.

CIVIL APPLICATION NO. 428 OF 2025

1. Mr. Bagul, learned Advocate submits that entire amount as per award passed by Tribunal has been deposited with Registry of this Court. His submission is supported by office endorsement.

2. In that view of the matter, Civil Application is allowed in terms of prayer clause 'C' and disposed of.

CIVIL APPLICATION NO. 4281 OF 2025

1. Heard learned Advocates for the respective parties.

2. Applicants are original claimants in M.A.C.P. No.426 of 2020, which was instituted seeking compensation under

Section 166 of Motor Vehicles Act, 1988, towards accidental death of late Sanjay Mohan Wanve. On 09.11.2019, late Sanjay was proceeding on his motorcycle, there was collusion between motorcycle and ST bus owned by respondent/corporation, in result, he suffered fatal injuries. According to claimants, he was 29 years of age and earning Rs. 24,000/- per month by serving as Mathadi labour.

3. Respondent/M.S.R.T.C. contested claim on the ground that he himself was responsible for accident and contributory in the cause of accident. Similarly, they contested claim on the ground of quantum. The Tribunal after evaluation of evidence, allowed the claim and passed an award for Rs.39,32,600/- in favour of the applicant/claimants.

4. Mr. Bagul, learned Advocate appearing for appellant submits that the Tribunal has wrongly decided issue of negligence, so also, fixed excessive and exorbitant income of deceased in absence of proof.

5. Mr. Gandhi, learned Advocate, however, points out that the Tribunal relying upon police papers and after scanning evidence of S.T. driver held that he had been chargesheeted due to his negligence and passed the award. So also, relying

upon evidence of the witness, accepted that deceased was working as Mathadi worker, accordingly worked out the compensation.

6. Having considered submissions advanced and the reasons as adopted by the Tribunal, apparently, the entitlement of claimants to receive compensation cannot be denied, hence they are certainly entitled for partial withdrawal of the amount. In result, following order is passed:

ORDER

- i. Claimant Nos.1 and 3 are permitted to withdraw 60% of compensation amount falling to their share on furnishing an usual undertaking to the satisfaction of Registrar (Judicial) of this Court.
- ii) Rest of the amount be kept in fixed deposit till further orders.

(S. G. CHAPALGAONKAR, J.)