

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

CIVIL APPLICATION NO. 8145 OF 2024
IN FAST/13140/2024

The Maharashtra State Road Transport Corporation Through The
Divisional Controller

....Applicant

VERSUS

Chhaya Sanjay Bhosle And Ors

.....Respondent

.....

Advocate for Applicant : Mr. Wange Anand Dnyanoba

Advocate for Respondents : Mr. Dadpe Prasanna Diliprao For R/1 To 3

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WITH

CIVIL APPLICATION NO. 4195 OF 2025
IN FAST/13140/2024

WITH

CIVIL APPLICATION NO. 8146 OF 2024
IN FAST/13140/2024

CORAM : S.G. CHAPALGAONKAR, J.

DATE : 29th APRIL, 2025.

P.C. :-

1. Heard learned advocates for respective parties.
2. Applicant seeks to condone delay of 529 days caused in filing appeal.
3. Perused the application and reasons therein. Apparently, delay is occasioned on account of administrative reasons and procedural formalities complied by respondent corporation. The contents of application are not controverted by respondent. In that view of the matter, sufficient cause is made out to condone the delay. Delay is condoned. Appeal be registered subject to removal of office objections.

ON C.A. No. 4195 of 2025 FOR WITHDRAWAL.

Heard learned advocates for respective parties. The applicants seek permission to withdraw amount as deposited by respondent corporation, in pursuance of award dated 22.8.2022 passed in MACP No. 383 of 2017. The applicants are claimants. They instituted claim for compensation towards the accidental death of Sanjay Bhosale who was bread earner of family. The claim was contested on behalf of respondent corporation attributing contributory negligence against him and on quantum. The Tribunal, after evaluation of evidence, observed that the accident occurred due to sole negligence of bus driver and passed an award of Rs. 15,50,000/- in favour of claimants.

Perused the reasons as recorded by tribunal. Prima facie, the Tribunal concluded about sole negligence of driver on the basis of police papers. In absence of any dispute as to accidental death of deceased, the claimants are definitely entitled for partial withdrawal of the amount. In that view of the matter, application deserves to be allowed. Hence, the following order :

ORDER

[I] The application is partly allowed. The applicants/claimants are permitted to withdraw 60 % of the amount as deposited by the respondent Corporation alongwith interest accrued thereon; subject to furnishing an undertaking to the satisfaction of Registrar (Judicial) of this court, that in case any adverse order is passed, they shall redeposit the amount. Such undertaking be filed within eight weeks from today.

[ii] Rest of the amount be deposited in Fixed Deposit, with renewal clause, till disposal of appeal.

[iii] Civil application is disposed of.

ON CIVIL APPLICATION FOR STAY : C.A. No. 8146 of 2024.

1. Heard learned advocates for respective parties.
2. This Court granted ad-interim stay to the impugned judgment and award subject to condition that the applicant deposits entire awarded amount . Mr. Dadpe, learned advocate for claimants submits that the aforesaid order is not complied with. The applicant has deposited deficit amount. It appears that total amount of Rs. 19,95,000/- is deposited with the Registry of this Court. The basic award is of Rs. 15,50,000/- alongwith interest @ 7 % p.a. According to Mr. Dadpe, interest amount is not properly calculated. Even cost amount is not added.
3. Learned advocate for respondent Corporation submits that in case there is any deficiency in deposit, he shall endeavour to deposit the same within four weeks from today.
4. Stand over for eight weeks.

[S.G. CHAPALGAONKAR, J.]

grt/-