

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

INTERIM APPLICATION NO. 15912 OF 2024

IN

FIRST APPEAL NO. 555 OF 2008

Gitanjali Himadri Chatterjee and Ors.

... Applicants/
Org. Respondent
Nos. 1 to 3

IN THE MATTER BETWEEN

Karnataka State Road Corporation

... Appellant

Versus

Gitanjali Himadri Chatterjee and Ors.

... Respondents

.....

Mr. Amol Gatne, Advocate for the Applicants/ Org. Respondent Nos. 1 to 3.

Mr. C. M. Lokesh, Advocate for Appellant-KSRTC in FA/555/2008.

Mr. H. G. Misar, Advocate for Respondent No.5- Insurance Company.

CORAM : SHIVKUMAR DIGE, J.

DATED : 3rd APRIL, 2025.

P. C. :

1. By this application, the applicants/Original Respondent Nos. 1 to 3 have challenged the order dated 17.10.2024 passed by M.A.C.T., Mumbai below Exhibit-1 and 8 in Misc. Application No. 237 of 2024 in M.A.C.P. No. 4345 of 1997.

2. It is contention of learned counsel for the applicants that this Court

has disposed of the Appeal filed by appellant -KSRTC. In the said order, this Court has directed the appellant-Corporation to deposit 80% compensation as fixed by the Tribunal along with accrued interest thereon and the respondent -Insurance Company shall pay 20% compensation out of the amount fixed by the Tribunal along with accrued interest thereon to the claimants. When the applicants/claimants approached before the Tribunal for withdrawal of the compensation amount, the learned Tribunal has observed that there is variance in the calculation provided by KSRTC and it cannot be decided exactly how much amount is to be paid to the applicants and how much is to be refunded to KSRTC, on that ground application was rejected.

3. I have heard all learned counsel. Perused impugned judgment and order. This Court had in Judgment and Order had specifically directed that 80% compensation as fixed by the Tribunal along with interest shall be deposited by KSRTC out of the total compensation and 20% compensation amount to be paid by the Insurance Company along with accrued interest thereon, but it appears that Tribunal has not considered this fact.

4. Learned counsel for the respondent No.5 Insurance Company has contended that he has deposited amount of Rs.12,22,437/- and Rs.7,02,000/- and if it is deficit amount then they are willing to deposit the balance amount. As per contention of learned counsel for the Corporation,

they have deposited whole amount along with interest and they are entitled to refunded amount of Rs. 25,76,579/-. In view thereof, the Respondent No.5 -Insurance Company shall deposit Rs. 25,76,579/- along with interest as 20% amount of their share. The respondent No.5 - Insurance Company shall deposit this amount within three weeks from today. I make it clear that this amount is with interest so no further interest will be levied on this amount till two weeks. The Corporation and claimant can file application for withdrawal of the amount before the Tribunal.

5. The Interim Application is allowed and accordingly disposed of.

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(SHIVKUMAR DIGE, J.)