



IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

15 CIVIL APPLICATION NO. 1183 OF 2026
IN FA/2570/2010
WITH
CIVIL APPLICATION NO. 1288 OF 2026
IN FA/2570/2010
WITH
CIVIL APPLICATION NO. 7035 OF 2020
IN FA/2570/2010

M S R T C AHMEDNAGAR THROUGH ITS THE DIVISIONAL MANAGER
VERSUS
TARABAI DEVRAM THUBE AND ORS

...
Advocate for Applicant : Mr. Goyanka M.K. and Mr. Dhongade Anilkumar
B.

Advocate for Respondent Nos. 1 to 4 : Mr. Sadashiv S. Shete

...

CORAM : Y.G. KHOBRADE, J.

DATE : 02.02.2026

PER COURT :

ORDER IN CIVIL APPLICATION NO. 1183 OF 2026 IN FA/2570/2010

1. Heard the learned counsel appearing for the applicant and the learned counsel appearing for the non respondents at length.
2. By the present application, the applicant MSRTC, Ahmednagar, prays for condonation of delay of 2555, days caused while lodging the present application for restoration of the First Appeal.
3. It is contended that vide order dated 09.07.2013, the appeal

was dismissed for want of prosecution, however, on 29.11.2017, this Court passed an order and recalled the order dated 09.07.2013, passed by the Registrar (Judicial) of this Court and the First Appeal was restored to its original stage, on condition that the appellant shall file a private paper book within a period of three months therefrom, and on failure, the order of interim relief was to be vacated.

4. Despite of this the appellant has failed to comply with the said order, therefore, the appeal had been dismissed for want of prosecution.

5. Considering the grounds set out in the application and as no objections have been raised on behalf of the non applicant, therefore, the delay of 2555 days caused in lodging the application, for restoration of First Appeal is hereby condoned. The appeal is restored to its original stage.

6. The Civil Application is disposed of.

ORDER IN FIRST APPEAL :-

1. The learned counsel appearing for the appellant, on instructions, seeks leave to withdraw the appeal.

2. Accordingly, the appeal is dismissed as withdrawn. No order as to the costs.

**ORDER IN CIVIL APPLICATION NO. 7035 OF 2020 IN FIRST APPEAL
NO. 2570 OF 2010 FOR WITHDRAWAL OF AMOUNT :**

1. On the face of the record, it appears that the appellant MSRTC has filed the present appeal, challenging the judgment and award dated 30.07.2010, passed by the learned Member, MACT, Shrirampur, in M.A.C.P. No. 31 of 2006, thereby, the present appellant was directed to pay compensation of Rs. 9,82,000/- to the respondents/Claimants, inclusive of N.F.L. amount under Section 140 of the Motor Vehicles Act, with interest @ of 7% p.a., from the date of filing of the petition, till its full realization.

2. On 20.12.2010, this Court passed the following order in Civil Application No. 16549 of 2010 in First Appeal No. 2570 of 2010, which reads as below :

“1. Heard the learned counsel for the applicant.

2. Present Civil Application is preferred by the original opponent for stay of the judgment and award dated 30.07.2010 passed by the learned Member, M.A.C.T., Shrirampur in M.A.C.P. No. 31 of 2006.

3. Issue notice to the respondents returnable on 14.03.2011.

4. Ad interim relief in terms of prayer clause (C), on condition that the applicant to deposit entire decretal amount with interest and costs in this Court within twelve weeks from today. Prayer Clause (C) reads as under :

“ The Judgment and order dated 30.07.2010 passed in M.A.C.P. No. 31 of 2006 passed by the Member of MACT, Shrirampur, District Ahmednagar, may kindly be stayed

till the final disposal of appeal”.

5. *Stand over to 14.03.2010.”*

3. In pursuance to the interim order, the appellant MSRTC has deposited compensation amount of Rs. 12,40,551/-, with registry of this Court, under the receipt of D.D. No. 621248, dated 28.02.2011. It is a matter of record that on 08.04.2011, this Court passed an order in Civil Application No. 4529 of 2011, in First Appeal No. 2570 of 2010 and permitted the all the respondents to withdraw 50% of the deposited amount on furnishing undertaking and directed that the remaining amount be kept in FDR. Therefore, the said amount be released in favor of respondents/original claimants with accrued interest thereon.

4. Accordingly, the appeal is disposed of.

5. Admissible Court fee be refunded to the appellant.

(Y.G. KHOBRAGADE, J.)