



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
NAGPUR BENCH, NAGPUR.**

**CIVIL APPLICATION (CAF) NO. 3710 OF 2025
IN
FIRST APPEAL ST. NO. 22115 OF 2025**

MAHARASHTRA STATE ROAD TRANSPORT CORPORATION, AKOLA

Vrs.

NILESH S/O SURESH PAUL AND ANOTHER

Office Notes, Office Memoranda of
Coram, appearances, Court's Orders
or directions and Registrar's order

Court's or Judge's Order

Shri Vivek Kedar, Advocate for applicant/appellant.
Shri Parth Sagdeo a/w Shri Sharad Thakre, Advocates for non-
applicant No.1.

CORAM: Y. G. KHOBRADE, J.
DATE : 22/04/2026.

1. Heard Shri Vivek Kedar, learned counsel appearing for the the applicant and Shri Parth Sagdeo, learned counsel appearing for the Non-applicant No.1.
2. Despite service, none appears for the non-applicant No.2.
3. By the present application, applicant – MSRTC seeks condonation of delay of 47 days caused while lodging the appeal under Section 173 of the Motor Vehicles Act, 1988 challenging the judgment and award dated 09/05/2025 passed in MACP No.41/2020 by the learned Member, MACT, Akola.
4. Learned counsel appearing for the non-applicant No.1 strongly opposed the application on the ground that the delay has not been properly explained, so also, the grounds set out in the application are not

bonafide and substantiate. However, on perusal of the application, it prima facie appears that soon after the impugned judgment and award is passed, the concerned Department of the applicant – MSRTC issued communication to the Higher Authority for approval and sanction and some time consumed for the said process, which appears to be bonafide and substantiate, hence, the delay has been properly explained. Therefore, the delay of 47 days caused while lodging the appeal is liable to be condoned.

5. Accordingly, Civil Application (CAF) No.3710/2025 is hereby allowed. Delay of 47 days is hereby condoned.

6. Office to register the appeal.

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7. Issue notice to the respondents, returnable on 10/06/2026.

8. Shri Parth Sagdeo, learned counsel waives service of notice for respondent No.1.

9. Call for Record and Proceedings of MACT, Akola.

Civil Application (CAF) No.833/2026

10. Heard Shri Parth Sagdeo, learned counsel appearing for the non-applicant No.1 / claimant and Shri Vivek Kedar, learned counsel appearing for the appellant.

11. By the present application, non-applicant No.1 / claimant is seeking permission for withdrawal of entire amount of compensation of Rs.8,80,458/-,

deposited by the appellant in pursuance of the judgment and order dated 09/05/2025 passed in MACP No.41/2020 by the learned Member, MACT, Akola.

12. Indeed, on 05/08/2013 at about 2.00 p.m., non-applicant No.1 / claimant met with the vehicular accident due to dash given by the bus bearing No.MH-40-N-9133 from the backside of the motor-cycle of the claimant. It appears that the claimant / non-applicant No.1 sustained injuries at his ankle of the left leg and sustained 30% disability as per the Certificate B-Comp (Exh.35). Admittedly, appellant – MSRTC deposited the amount of compensation before this Court.

13. Therefore, considering the need and to meet the expenses, it would be just and proper to permit the non-applicant No.1 / claimant to withdraw 50% of claim amount with accrued interest on furnishing surety to the satisfaction of the Registrar (Judicial) of this Court.

14. Accordingly, civil application stands disposed of.

[JUDGE]