



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

**CIVIL APPLICATION (F) No.3242/2025 IN**  
**FIRST APPEAL (ST) NO. 20009/2025**

The Divisional Controller, Maharashtra State Road Transport Corporation (MSRTC) Nagpur Vs. Smt. Priyanka wd/o Mahesh Nimje and others

Office Notes, Office Memoranda of Coram, Appearances, Court's orders or directions and Registrar's orders	Court's or Judge's orders
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Mr. V.H.Kedar, Advocate for applicant/Appellant.  
Ms. Meenakshi Zunke, Advocate h/f Mr. M.H.Pathade, Advocate for non-applicant/respondent nos.1 to 4.

**CORAM: Y. G. KHOBRAGADE, J.**

**DATED : 17<sup>th</sup> APRIL, 2026**

1. Heard Mr. V.H.Kedar, the learned counsel for the appellant/applicant and Ms. Meenakshi Zunke, the learned counsel h/f Adv. M.H.Pathade for non-applicant-respondent nos.1 to 4.

2. Having regard to the submissions canvassed by both sides, I have gone through the application. By the present application, the applicant seeking condonation of delay of 55 days caused while lodging the appeal against the Judgment and Award dated 29.3.2025 passed in MACP No.779/2020 by the learned Member of Motor Accident Claims Tribunal-1, Nagpur. Under the impugned Judgment and award, the present appellant/original respondent is under direction for payment of compensation of Rs.39,98,680/- inclusive of no-fault liability under Section 140 of the Motor Vehicles Act, along with interest @ 7.5% per annum, from the

date of institution of the Claim till its realisation.

3. It is canvass on behalf of the applicant that after obtaining certified copy of Judgment and Award it was sent to the Divisional Controller for taking further steps in the matter and after obtaining legal advice from the legal Department, the appeal challenging the said award being filed alongwith the present application. Therefore, delay of 55 days caused, which appears to be bonafide, substantial and satisfactorily. The non-applicants have not seriously opposed the application. Therefore, the delay of 55 days caused while lodging the appeal is hereby condoned. The application is allowed. The Registry is directed to register the appeal.

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4. Heard both sides at length.

5. **Admit.**

6. Call for record and proceedings.

7. The learned counsel appearing for the respondents waives service of notice.

8. The Appellant shall file a Private paper book within a period of 12 weeks.

**CIVIL APPLICATION (F) No.1259/2026**

9. Heard.

10. By the present application, the non-applicants/original claimants in MACP No.779/2020 seeks permission to withdraw the decretal amount of

Rs.53,53,424/- along with accrued interest.

11. The learned counsel appearing for the non-applicants submits that, the deceased Mahesh Namdeo Nimje, the husband of the non-applicant no.1, father of non-applicant no.2 and son of non-applicant nos.3 and 4 was the sole earning member of the family and died in an accident. Pursuant to the judgment and award dated 29.3.2025 passed by the learned Tribunal, the non-applicants are held entitled to receive the compensation. In compliance thereof, the appellant/original respondent deposited entire decretal amount along with accrued interest to the tune of Rs.53,53,424/-. Therefore, considering their financial needs they seek permission for withdrawal of entire amount of compensation.

12. Mr. Kedar, learned counsel for the appellant, strongly resisted the application on the ground that while lodging FIR the Bus number was not given. So also, no substantial evidence brought on record to show that the bus of M.S.R.T.C. was involved in an accident. Therefore, the non-applicants are not entitled to receive compensation awarded by the learned Tribunal. Hence, prayed for rejection of the application.

13. Needless to say that, after conducting a full fledged trial, the learned Tribunal passed the impugned Judgment and Award dated 29.3.2025 holding that Mr. Mahesh Namdeo Nimje, the husband of non-applicant no.1 and father of non-applicant no.2 and son of non-applicant nos.3 and 4 died in an vehicular accident due to rash and negligent driving of bus No.MH-40-Y-5901 by the employee of M.S.R.T.C. The factum of causing

accidental death of said Mahesh Nimje is a matter of record. Whether the said bus bearing no.MH-40-Y-5901 was involved or not is an issue to be adjudicated at the final hearing of the appeal and cannot be conclusively decided at this juncture.

14. However, considering the nature of the claim as well as financial needs of the non-applicants, it would be just and proper to permit the non-applicant nos.1 to 4 to withdraw 50% of their respective shares out of the compensation amount subject to furnishing Surety/ Undertaking to the satisfaction of the Registry of this Court that, in the event, the appellant succeeds in the appeal, the non-applicants shall re-deposit the withdrawn amount within a period of two months from the date of such order.

15. In view of above, Civil Application stands disposed of.

**(Y.G.KHOBRAGADE, J.)**