

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

917 CIVIL APPLICATION NO.3316 OF 2022
IN FIRST APPEAL NO.393 OF 2022

...
SUNIL RAJMAL RATHOD
VERSUS
THE MAHARASHTRA STATE ROAD TRANSPORT
CORPORATION, JALGAON

...
Advocate for the applicant : Mr.M.M.Bhokarikar
Advocate for respondent : Mr.M.G.Patil h/f.
Mr.B.S.Deshmukh

...
CORAM : S.G.DIGE, J.
DATE : 30.08.2022

P.C. :

1] Heard the learned counsel for the applicant and the learned counsel for the respondent.

2] The learned counsel for the applicant submits that the respondent has challenged the judgment and award of the Motor Accident Claims Tribunal, Jalgaon and has deposited the entire award amount before this Court. In the accident, the applicant has suffered 36% injury. Due to the said injury, the applicant is unable to perform any work, hence, he needs the amount for his daily expenses and requested to allow the present application.

3] The learned counsel for the respondent submits that the respondent has challenged the impugned judgment and order on various grounds. If the applicant is permitted to withdraw the amount and the respondent succeeds in the appeal, it would be difficult for the respondent to recover the amount, hence, requested to dismiss the application.

4] I have heard both learned counsel. The applicant has suffered 36% injury in the accident. The applicant is needed the amount for his daily expenses. The issue raised by the respondent can be considered at the time of final hearing, hence, I pass the following order :

ORDER

i] The application is allowed.

ii] The applicant is permitted to withdraw 50% amount along with accrued interest thereon out of the amount deposited by the respondent on furnishing undertaking.

iii] Civil Application is disposed of accordingly.

**[S.G.DIGE]
JUDGE**