

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

CIVIL APPLICATION NO. 12885 OF 2022
IN FIRST APPEAL NO. 1227 OF 2022

SURYAKANT TULSHIRAM PACHAVARE
VERSUS
MOHAMMED RAFAD MOHD AHMED AND OTHERS

...
Advocate for Applicant : Mr. R.S. Shinde
Advocate for Respondent No.3 : Mr. S.S. Rathi
....

CORAM : S.G. DIGE, J.
DATE : 14th September, 2022

ORDER :

1. Heard learned Counsel for applicant and learned Counsel for respondent No.3.

2. Learned Counsel for applicant submits that, respondent No.3 has challenged the judgment and order of the Tribunal before this Court and has deposited entire award amount. Applicant has sustained 80% disability in alleged accident. He is not in a position to earn the money and facing starvation. He has no source of income. Hence, requested to allow the application.

3. Learned Counsel for respondent No.3 submits that, the Tribunal has awarded exorbitant compensation which is challenged by the respondent No.3. The income of applicant is considered by the Tribunal as Rs.10,000/- per month without any evidence. Hence, requested to dismiss the application.

4. I have heard both the learned Counsel. Perused judgment and order passed by the Tribunal.

5. Learned Counsel for respondent No.3 has disputed the income of the applicant. Admittedly, applicant has sustained 80% disability in the accident. He is unable to do any work and facing financial crisis therefore, he needed amount for his daily expenses. Hence, I pass the following order :-

ORDER

- (a) Application is allowed.
- (b) Applicant is permitted to withdraw Rs.15,00,000/- (rupees Fifteen Lacs only) on furnishing usual undertaking out of deposited

amount.

- (c) The remaining amount shall be deposited in Fixed Deposit of any Nationalized Bank.
- (d) The Civil Application is disposed of.

[S.G. DIGE, J.]