

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

CIVIL APPLICATION NO. 2077 OF 2022
IN FIRST APPEAL (ST) NO. 20817 OF 2020

SHUBHAM RAJENDRA AARGADE
VERSUS
ARUN PRABHAKAR CHANE AND ANOTHER

...
Advocate for Applicant : Ms. S.P. Kakade
Advocate for Respondent No.2 : Mr. V.N. Upadye
....

CORAM : S.G. DIGE, J.
DATE : 25th July, 2022

ORDER :

. Heard learned Counsel applicant and learned Counsel for respondent No.2.

2. Learned Counsel for applicant submits that, the Motor Accident Claims Tribunal, Ahmednagar by judgment and award has granted compensation. Respondent No.2 has preferred the appeal against said judgment and has deposited amount of Rs.4,11,915/- before this Court. Applicant has not received the amount till today. Applicant is in dire need of money for repaying hand-loan

of relatives and friends which was obtained by him, when he was hospitalized. Hence, requested to allow the application.

3. Learned Counsel for respondent No.2 strongly objected to allow the application on the ground that, there is delay of 47 days for filing the FIR. The driver who was held responsible for said the accident is acquitted by the learned Magistrate Court. Hence, requested to dismiss the application.

4. I have heard both the learned Counsel.

5. The applicant is in need of money for his day to day life and for repaying hand-loans taken by him, when he was taking treatment. The grounds raised by the respondent No.2 can be considered at the time of final hearing of the appeal. Hence, I pass the following order :

ORDER

- a. Application is allowed.
- b. Applicant is permitted to withdraw 50% amount

out of deposited amount along-with accrued interest thereon on furnishing undertaking.

- c. The Civil Application is disposed of.

[S.G. DIGE, J.]