

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

INTERIM APPLICATION NO.2039 OF 2023
IN
FIRST APPEAL (ST) NO.18135 OF 2022

Pawan Hari Shejwal

...Applicant

Versus

Divisional Controller, MSRTC, Nashik

...Respondent

Mr.Anudeep D. Sonar, for the Applicant.

Ms.Gargi Warunjikar i/b Mr.Nitesh Bhutekar, for the
Respondent.

CORAM : S.G. DIGE, J.

DATE : 10 MARCH 2023

P.C:-

. Heard learned counsel for the Applicant and the
learned counsel for the Respondent.

2. The learned counsel for the Applicant submits that
the Applicant has suffered injuries in the accident. Due to the
accident there is amputation of right leg below knee. After the
accident the Applicant is unable to to any work. He has no
source of income and he is required amount for his daily
expenses. Hence, requested to allow the Application.

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3. The learned counsel for the Respondent objected to allow the Application on the ground that the said accident was occurred due to sole negligence of the Applicant as he tried to overtake the vehicle, due to that said accident was occurred. But this fact is not considered by the Tribunal. The Tribunal even not considered the evidence of Conductor, who was eye witness of the said accident. Hence, requested to dismiss the Application.

4. I have heard both the learned counsel.

5. Admittedly, there is amputation of right leg of Applicant. He is need's amount for daily expenses as well as for medical expenses. He is not able to do any work. He has no source of income. Hence, I pass following order.

ORDER

- (i) The Application is allowed.
- (ii) The Applicant is permitted to withdraw 50% amount along with accrued interest thereon on furnishing undertaking.

(S.G. DIGE, J.)