

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

INTERIM APPLICATION NO. 2448 OF 2023

IN

FIRST APPEAL STAMP NO. 32307 OF 2022

Mohsin Dost Mohd. Khan
versus

....Applicant

Maharashtra State Road Transport CorporationRespondent

Mr. Pradyumna Thakurdesai along with Mr. Devendranath S. Joshi
i/b. Ms. Swati Mehta, Advocate for the Applicant.
Mr. Amit A. Gharte, Advocate for Respondent-MSRTC.

CORAM : SHIVKUMAR DIGE, J.

DATE : 20th MARCH 2023.

P.C. :

1. Heard learned counsel for the applicant and learned counsel for the respondent.
2. Learned counsel for the applicant submits that at the time of accident, the applicant was 25 year old. After the accident, the applicant sustained serious injuries and succumbed to amputation. He has no source of income. He needs money for his daily expenses and medical needs. Hence, requested to allow the application.
3. Learned counsel for respondent objected to allow the

application on the ground that the Tribunal has awarded exorbitant and excessive compensation without any evidence on record and at the time of the accident, the applicant was not wearing helmet and also was not holding an effective and valid driving license. Hence, requested to dismiss the application.

4. I have heard both learned counsel. At the time of accident, the applicant was 25 year old. After the accident, the applicant sustained serious injuries and succumbed to amputation. He has no source of income. He needs money for his daily expenses and medical needs. The grounds raised by the respondent can be considered at the time of final hearing of the appeal. Hence, I pass the following order :

ORDER

1. The application is allowed.
2. The applicant is permitted to withdraw 50% amount along with accrued interest therein, out of the deposited amount, on furnishing usual undertaking.

The application is disposed of.

(SHIVKUMAR DIGE, J.)