IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

INTERIM APPLICATION NO. 12622 OF 2023
IN
FIRST APPEAL (ST) NO. 23434 OF 2023

Bhopal Gopal Mali ….. Applicant

IN THE MATTER BETWEEN

Maharashtra State Road Transport Corporation Limited, MSRTC ….. Appellant
VERSUS
Bhopal Gopal Mali & Ors. ….. Respondents

Mr.Sagar Redkar for the Applicant.

Mr.Dhananjay Rananaware for the Appellant.

CORAM: RAJESH S. PATIL, J.

DATE : 23rd OCTOBER, 2023

P.C:-

This interim application is filed by the original claimants for withdrawal of the award amount deposited by the appellant/Insurance Company before the concerned M.A.C.T.

2. It is the case of the applicant that the applicant is 74 years old senior citizen. The applicant states that he is having financial problem after COVID-19 pandemic situation. The applicant states that he is a farmer but he does not have sufficient income from the agriculture

produce and therefore he is in urgent need of money. The applicant is finding it difficult to bear the daily expenses and medical expenses. Therefore he has prayed that he be allowed to withdraw the amount deposited before the concerned M.A.C.T.

3. I have heard both the sides. I have gone through the contents of the interim application. According to me a case is made out to partially allow withdrawal of the deposited award amount.

4. According to me, in the interest of justice, it would be appropriate if the applicant is permitted to withdraw 70% of the 'Award' amount deposited by the Insurance Company along with accrued interest as per the ratio mentioned in the impugned Judgment and Award.

5. The 70% of the amount awarded to the applicant is allowed to be withdrawn along with accrued interest, upon furnishing an undertaking before the concerned M.A.C.T. to the effect that if he fails in this First Appeal, he will return the amount with interest, at such rate as may be directed by this Court at the time of disposal of the First Appeal.

6. The Registry to see that the money is transferred to the account of the applicant.

7. Balance amount shall be invested in the fixed deposit of a nationalized bank initially, for a period of one year and thereafter for like period depending the pendency of this Court.

8. All the parties to act on an authenticated copy of this order. Issuance of certified copy of this order is expedited.

9. The interim application is accordingly disposed of.

[RAJESH S. PATIL, J.]