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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

INTERIM APPLICATION NO.14571 OF 2023
IN
FIRST APPEAL NO.390 OF 2023

Smt.Alka P. Kute @ Kunte ...Applicant
V/s.
Maharashtra State Road Transport Corporation ...Respondent

WITH
INTERIM APPLICATION NO.3249 OF 2023
IN
FIRST APPEAL NO.390 OF 2023

Maharashtra State Road Transport Corporation ...Applicant
V/s.
Smt.Alka P. Kute @ Kunte ...Respondent

Ms.Gargi Warunjikar i/b Mr.Bhutekar for the Appellant.

Ms.Rina Kundu for the Respondent.

CORAM : RAJESH S. PATIL, J.
DATE : 25TH SEPTEMBER, 2023.

P.C. :- **Interim Application No.14571 of 2023**

1. This Interim Application is filed by the Applicants for withdrawal of the amount deposited by the MSRTC before the concerned MACT. The Applicants have stated that due to the unfortunate accident, she has suffered very serious injuries viz. (a) shoulder injury, (b) Chest injury, (c) Abdominal injury, (d)

Displacement fracture of posterior portion of right first to fourth ribs, (e) Linear undisplaced fracture of right transverse L 2 vertebra, (f) Right minimal Hemithorax and severe fibrosis with cicaterization bronchiectasis in lower lobe of lung, and (g) Displacement fracture of posterior portion of right first to fourth ribs.

2. The Applicant states that she was admitted in Wockhardt Hospital, Nashik. She had undergone multiple operations and she was admitted for these testes in the hospital. Even after her discharge from the hospital, she is bedridden as her injuries are very serious. She has also to undergo treatment after discharge. Her husband unfortunately died in the accident.

3. The Applicant states that the doctor has assessed her disability to the extent of 29%. She further states that she was doing business of selling Sarees and dress material and also imitation jewelleryes. Due to disabilities suffered by her, she can't do her business and there is a loss of Rs.15,000/- per month. She does not have any personal savings. Therefore, she sought withdrawal of the amount deposited by the Respondent.

4. I have heard both the sides and I have gone through the contents of the Interim Application. I am satisfied that partial withdrawal can be permitted in view of the medical expenses to be borne by the Applicant and for other household expenses are

concerned.

5. Applicant is permitted to withdraw 25% of the 'Award' amount along with accrued interest deposited by the Respondent as per the ratio mentioned in the impugned Judgment and Award.

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

7. The 25% of the 'Award' amount awarded to the Applicant is allowed to be withdrawn, upon furnishing an undertaking before the concerned MACT to the effect that if she fail in this First Appeal, she 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.

8. 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.

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

10. The interim application is accordingly disposed of.

INTERIM APPLICATION NO.3249 OF 2023

IN

FIRST APPEAL NO.390 OF 2023

1. This Interim Application is filed seeking stay to the execution and implementation of the impugned Judgment and Award

passed by the MACT, Kalyan.

2. By an order dated 30 March 2023, interim relief was granted to the Applicant. Pursuant to which the Applicant has deposited entire 'Award' amount in the concerned MACT with accrued interest.

3. In view of the same, interim relief granted on 30 March 2023 is extended till the disposal of the First Appeal.

4. Interim application is accordingly disposed of.

(RAJESH S. PATIL, J.)