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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

INTERIM APPLICATION NO.14570 OF 2023
IN
FIRST APPEAL NO.392 OF 2023

Gangadhar R. Kute ...Applicant
V/s.
Maharashtra State Road Transport Corporation ...Respondent

WITH
INTERIM APPLICATION NO.3251 OF 2023
IN
FIRST APPEAL NO.392 OF 2023

Maharashtra State Road Transport Corporation ...Applicant
V/s.
Gangadhar R. Kute ...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. :-

I.A. No.14570 of 2023

1. This Interim Application is filed by the Applicant for withdrawal of the amount deposited as per the impugned Award. The Applicant submits that in the unfortunate accident, he has suffered very serious injuries viz. (a) Polytrauma, (b) Bilateral Multiple Ribs Fractures, (c) Bilateral Haemo Pneumothorax, (d) Fractured bilateral

Supero Public Ramus, (e) Fracture of anterior pillars of both Acetabuli and (f) Linear displaced Fracture of root of right Acetabulum.

2. The Applicant submits that he was admitted in Wockhardt Hospital, Nashik for five days and thereafter in Holly Hospital, Kalyan for 15 days and even after discharge from the Hospital, he has to take treatment for six months. Due to the injuries suffered, the Applicant feels continuous pain in his chest even while he breath normal. There is also pain in his body and can't walk and sit for a long time. The Doctor has assessed his disability to the extent of 25%. The Applicant further states that he is doing business of repairs of domestic electronic and electrical instruments. Due to his disabilities, he is not in a position to continue with his business. He has therefore lost his income from the said business. The Applicant's wife was also injured in the said accident. He has to take loans from the friends for his treatment to meet the expenses of medicines.

3. He has preferred the present Interim Application.

4. I have heard both the sides and I have gone through the contents of the Interim Application. A case is made out for partial withdrawal of 75% of the amount deposited by the Respondent.

5. The Applicant is permitted to withdraw 75% of the amount along with accrued interest deposited by the Respondent.

6. The Registry to see that the money is transferred to the

account of Applicant.

7. The 75% 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 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.

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.3251 OF 2023
IN
FIRST APPEAL NO.392 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.)