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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

INTERIM APPLICATION NO.14574 OF 2023
IN
FIRST APPEAL NO.391 OF 2023

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

WITH
INTERIM APPLICATION NO.3250 OF 2023
IN
FIRST APPEAL NO.391 OF 2023

Maharashtra State Road Transport Corporation ...Applicant
V/s.
Tejas 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. :- **I.A.No. 14574 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) Head injury, (b) Polytrauma, (c) Injury to back, (d) Left knee injury, (e) Right shoulder injury and (f) Nasal

bleeding ++.

2. The Applicant submits that he was admitted in Wockhardt Hospital, Nashik for one day and thereafter he as to incur expenses for the outdoor treatment for six months and he has spent Rs.17,390/- for the said treatment. The Applicant submits that Neurosurgeon Dr.Shri Vinayak Joshi has assessed disability of the Applicant to the extent of 15%.

3. The Applicant submits that the Applicant was a student and he met with an unfortunate accident. The Applicant submits that he is now doing temporary food product at roadside stall. He hardly earns Rs.6,000/- per month. Due to the disabilities, he can't open his stall regularly as he feels continuous pain in his body. In the unfortunate accident, his father died and so also his mother suffered serious injuries. Therefore, he seeks to withdraw the entire amount, as deposited by the Respondent.

4. I have heard both the sides and I have gone through the contents of the Interim Application. A case is made out for 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 The 75% of the 'Award' amount awarded to the Applicant is allowed to be withdrawn, upon furnishing an undertaking before the concerned MACT to the effect that if he fails in this First Appeal, he will return the amount with interest, at such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.3250 OF 2023
IN
FIRST APPEAL NO.391 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.)