

vai

VASANT
ANANDRAO
IDHOL

Digitally signed
by VASANT
ANANDRAO
IDHOL
Date:
2023.09.27
22:06:51
+0530

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

INTERIM APPLICATION NO.14569 OF 2023
IN
FIRST APPEAL NO.389 OF 2023

Smt.Aruna G. Kute ...Applicant
V/s.
Maharashtra State Road Transport Corporation ...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.14569 OF 2023**

1. This Interim Application is filed by the Applicant for withdrawal of the amount deposited by the MSRTC before the concerned MACT. This Application is filed by the Applicant, who had suffered serious injuries in the unfortunate accident viz. (a) Fracture Right Sacral bone, (b) Pneumothorax, (c) Displaced fractured right 3rd Rib and 8th Rib, (d) Communited displaced fracture Clavicle and (e) Fracture Acetabulum. At the time of accident, the Applicant was 57 years of age. It is submitted that due to disabilities which MACT has come to a conclusion is that of 30%, the Applicant is not able to do her household work, as it is difficult for her to stand for a long time.

She has to therefore, engage few time house help for her families household works. The Applicant has no personal savings of her. In fact in the unfortunate accident, her husband also suffered injuries. Therefore, they have to borrow money for that treatment.

2. 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.

3. The Applicant is permitted to withdraw 50% of the 'Award' amount along with accrued interest deposited by the Insurance Company as per the ratio mentioned in the impugned Judgment and Award.

4. The Registry to see that the money is transferred to the account of Account.

5. The 50% of the 'Award' amount awarded to the Applicant is allowed to be withdrawn, upon furnishing an undertaking before the concerned MACT to the effect that if she fail in this First Appeal, she will return the amount with interest, at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.

6. 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.

7. All the parties to act on an authenticated copy of this order.

Issuance of certified copy of this order is expedited.

8. The interim application is accordingly disposed of.

INTERIM APPLICATION NO.3248 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.)