

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

**INTERIM APPLICATION NO.30360 OF 2022
IN
FIRST APPEAL NO.248 OF 2022**

Dnyaneshwar Uddhav Vyavhare

...Applicant

IN THE MATTER BETWEEN

Divisional Controller,

North East Karnataka Road Transport, Yadgir

...Appellant

Versus

Dnyaneshwar Uddhav Vyavhare

...Respondent

Mr.Prashant Hagare, for the Applicant/Respondent.

Mr.C.M. Lokesh, for the Appellant in FA and for the Respondent in
IA-NEKRT.

CORAM : S.G. DIGE, J.

DATE : 7 FEBRUARY 2023

P.C:-

. Heard learned counsel for the Applicant and the learned
counsel for the Respondent-North East Karnataka Road Transport,
Yadgir (for short 'NEKRT').

2. The learned counsel for the Applicant submit that the
Applicant has injured in the accident and he has sustained 25%
disability. After the accident the Applicant is unable to do any work

and he has facing starvation. He needs the amount for his daily expenses. Hence, requested to allow the Application.

3. The learned counsel for the Respondent submit that the accident was occurred due to negligence of the Applicant, the Applicant suddenly stopped the vehicle in the middle of the road, that's why the accident was occurred. The Applicants' claim was for Rs.6 lakhs but the Tribunal has awarded more than Rs.8 Lakhs which excessive and exorbitant. Hence, requested to dismiss the Application.

4. I have heard both the counsel.

5. The Applicant has injured in the said accident, his disability is 25%. After the accident the Applicant is unable to do any work. He has no source of income. He needs the amount for his daily expenses. Hence, I pass following order.

ORDER

- (i) The Applicant is permitted to withdraw 30% amount along with accrued interest thereon on furnishing undertaking.
- (ii) The Application is allowed.

(S.G. DIGE, J.)