

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

INTERIM APPLICATION NO.2702 OF 2023
IN
FIRST APPEAL (ST) NO.22206 OF 2022

Lata Deelip Wagh

...Applicant

Versus

Maharashtra State Road Transport
Corporation, Nashik

...Respondent

Mr.Rajan S. Pawar, for the Applicant.

Mr.Aniket Nagare i/b Mr.N.V. Bhutekar, for the Respondent.

CORAM : SHIVKUMAR DIGE, J.

DATE : 18 APRIL 2023

P.C:-

. Heard learned counsel for the Applicant and the learned counsel for the Respondent.

2. The learned counsel for the Applicant submits that the Applicant has suffered serious injuries in the accident. He has incurred expenses on medical treatment. The Tribunal has awarded amount of Rs.4,89,000/- as compensation, since accident the Applicant has not received any compensation. The Applicant has spent the medical expenses by taking loan from others, hence, Applicant be permitted to withdraw the amount.

3. The learned counsel for the Respondent strongly objected to allow the Application on the ground that no evidence was lead before the Tribunal that the Applicant injured in the accident. But this fact is not considered by the Tribunal. Hence, requested to dismiss the Application.

4. I have heard both the counsel.

5. The Applicant has suffered injuries in the accident. The witness of medical experts shows that he was admitted in the hospital and he has incurred some amount on medical expenses. Hence, I pass following order.

ORDER

- (i) The Application is allowed.
- (ii) The Applicant is permitted to withdraw 40% amount out of deposited amount along with accrued interest on furnishing undertaking.

(SHIVKUMAR DIGE, J.)