

IN THE HIGH COURT OF JUDICATURE AT BOMBAY**CIVIL APPELLATE JURISDICTION****INTERIM APPLICATION NO. 17648 OF 2023****IN****FIRST APPEAL NO. 262 OF 2023**

Pradip Sham Borade and Anr.

.... Applicants

In the matter between:

Maharashtra State Road Transport Corporation

.... Appellant

Versus

Pradip Sham Borade and Anr.

.... Respondents

Mr. Pritesh K. Bohade a/w. Mr. Amit Gharte, Advocate for Applicants.

CORAM : SHIVKUMAR DIGE, J.**DATE : 6th DECEMBER, 2023****P.C. :**

1. It is the contention of learned counsel for the applicant that applicant No.1 got injured in the accident and he has suffered 40% disability. Applicants have no source of income. Applicants need amount for their daily expenses, hence requested to allow the application.
2. It is the contention of appellant- Corporation that accident was caused due to negligence of applicant No.1 himself but this fact is not considered by the Tribunal and awarded compensation which is erroneous, hence requested to reject the application.
3. I have heard both the learned counsel. Perused the Judgment

and Order passed by the Motor Accident Claims Tribunal, Nashik (for short “**the Tribunal**”). The Accident was caused when applicant No.1 had tried to board the bus of appellant-Corporation and conductor and driver without verifying whether applicant No.1 came inside the bus or not, started the bus. Applicant has suffered 30% disability in the accident. He needs the amount for daily expenses. Considering this fact, I pass following order:

ORDER

- (i) Application is allowed.
 - (ii) Applicants are permitted to withdraw 50% amount out of deposited amount along with accrued interest thereon on furnishing undertaking.
4. Interim Application is disposed off.

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KILAJE

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(SHIVKUMAR DIGE, J.)