

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR

CIVIL APPLICATION (CAF) NO.725 OF 2023
IN
FIRST APPEAL NO.835 OF 2022

Divisional Controller, Maharashtra State Road Transport Corporation Amravati
Vs.

Nitin Narayanrao Deshmukh and another

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders

Court's or Judge's orders

Mr. R. S. Charpe, Advocate for the appellant.
Mr. Sawan Alaspurkar, Advocate for the respondent No.1.

CORAM : URMILA JOSHI-PHALKE, J.
DATED : 13/03/2023

1. By this application, the respondent No.1 is seeking permission for withdrawal of the amount.
2. As per contention of the respondent No.1, he met with an accident and sustained 40% of the disability. Due to the accidental injuries, his working capacity is affected and now he is in need of money for his day to day expenses.
3. Said application is strongly opposed by the learned Advocate Mr. Charpe for the appellant on the ground that quantum and negligence which is not proved by the claimant is under challenged in this appeal and hence application deserves to be rejected.

4. Heard both the sides. Perused the application.

5. In view of the reasons mentioned in the application and considering the objection raised, it will be appropriate to permit the respondent No.1 to withdraw 50% of the amount of compensation on usual undertaking. Hence, I proceed to pass following order.

- (i) Respondent No.1 is permitted to withdraw 50% of the compensation amount along with accrued interest on usual undertaking.
- (ii) The amount be disbursed to the respondent No.1 on due identification and verification.
- (iii) Civil Application is disposed of.

First Appeal No.835/2022

1. The issue regarding the quantum and the negligence of the driver of the bus is only an issue which can be decided at the admission stage itself.

2. The appellant to file the compilation of the necessary documents within four weeks.

3. Place the matter for final hearing at the admission stage at the end of admission board, after filing of the said compilation.

(URMILA JOSHI-PHALKE, J.)

Sarkate