



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

27 CIVIL APPLICATION NO. 6406 OF 2024
IN FAST/31060/2023

Chunilal Sitaram Jadhav
Versus
Maharashtra State Road Transport and anr.

...
Advocate for Applicant : Mr. M.H. Patil
Advocate for respondent No. 1 : Mr. M.D. Shinde
...

CORAM : KISHORE C. SANT, J.

Dated : July 04, 2024

PER COURT :-

1. Heard the learned advocates for the parties.
2. This application by the original claimant is for withdrawal of the amount deposited by the appellant in this Court along with interest.
3. The application is vehemently opposes by the learned advocate for the appellant. He submits that the claimant has not proved functional disability nor he has examined Civil Surgeon, who has issued disability certificate. Under such circumstances, the applicant is not entitled to receive any compensation. At the most, compensation for the period of two months could have been granted since the Court has expressed that the applicant was admitted in hospital for two weeks. He further submits that the income of the claimant is also not proved. The Court has taken notional income to be Rs.8000/- which is exorbitant. There is no proof as to what kind of work the applicant was doing prior to the accident. He, therefore, prays for rejection of the application.
4. Considering that the Court has taken the disability to the extent of only 15%, this Court is inclined to allow the application partly. Hence, the

order.

ORDER

(i) The applicant is entitled to withdraw 50% of the amount deposited in this Court along with accrued interest on furnishing usual undertaking. Applicant is allowed to withdraw further 25% of the amount with accrued deposited in this Court on furnishing solvent surety/security to the satisfaction of the Registrar Judicial of this Court. Balance amount be invested in fixed deposit of any nationalized bank till the disposal of the appeal. The application is allowed and is disposed of accordingly.

(KISHORE C. SANT, J.)

ssc/