

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

INTERIM APPLICATION NO. 7325 OF 2024

IN

FIRST APPEAL STAMP NO. 18800 OF 2023

Faisal Dilawar Parkar

... Applicant

In the matter between :

Maharashtra State Transport Corporation

... Appellant

Versus

Faisal Dilwar Parkar and Ors.

... Respondents

Mr. Bhooshan Mandlik, Advocate for Applicants.

Mr. Aniket Nangare i/b. N.V.Bhutekear, Advocate for the Appellant.

Ms. Jaya Shukla i/b. S.S.Dwivedi, Advocate for Respondent No.3.

CORAM : SHIVKUMAR DIGE, J.

DATE : 4th APRIL, 2024**P.C. :**

1. By this application, applicant is seeking withdrawal of amount.
2. It is contention of learned counsel for the applicant that due to accidental injuries applicant has suffered 95% injuries. Due to disability applicant is not doing any work. He need money for daily expenses. Hence, requested to allow the application.
3. Learned counsel for appellant-Insurance Company strongly objected to allow the application. He submits that accident occurred due to sole negligence of the deceased. Claimant was the pillion rider of the bike but this fact is not considered by the Tribunal and has fixed 50%

liability on the claimant. Hence, requested to reject the application.

4. I have heard both the learned counsel. Applicant has 95% accidental injuries. Applicant need the amount for daily expenses. He has no source of income. The issue raised by the learned counsel for appellant-Insurance Company can be considered at the time of final hearing of the appeal and I pass following order.

ORDER

- (i) The application is allowed.
- (ii) The applicant is permitted to withdraw 50% amount out of deposited amount along with accrued interest thereon on furnishing usual undertaking.

5. The application is disposed of.

(SHIVKUMAR DIGE, J.)