

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

**INTERIM APPLICATION NO.1197 OF 2024
IN
FIRST APPEAL (ST) NO. 23333 OF 2023**

Nagesh Shankar Kadam & Anr. Applicants

V/s.

Shashank Atmaram Swantdesai & Anr. Respondents

Ms.Swati Dinkar Sawant, for the Applicants.

Mr.Akshay Kulkarni, for Respondent No.1.

CORAM : SHIVKUMAR DIGE, J.

DATE : 08th APRIL 2024

P.C:-

. Heard learned counsel for the Applicant and learned counsel for Respondent No.1.

2. By this Application, the Applicant is seeking withdrawal of the amount.

3. It is contention of the learned counsel for the Applicants submit that due to accidental injuries the Claimants has suffered 20% permanent physical disability. He is unable to

do any work. He has no source of income. He needs amount for daily expenses. Hence, requested to allow the Application.

4. The learned counsel for the Respondent has objected to allow the Application on the ground that Respondent has not given authority to cross-examining the Applicant. The Judgment and order passed behind his back of the Respondent. Hence, requested to dismiss the Application.

5. I have heard both the learned counsel.

6. The Applicant has suffered 20% permanent physical disability. He needs amount for daily expenses. He has no source of income. The issue raised by the Respondent can be considered at the time of the final hearing. Hence, I pass following order.

ORDER

(i) The Application is allowed.

(ii) The Applicants are permitted to withdraw 30% amount along with accrued interest thereon on furnishing undertaking.

(SHIVKUMAR DIGE, J.)