

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

INTERIM APPLICATION NO.9838 OF 2022
IN
FIRST APPEAL (ST) NO.11379 OF 2018

Mr.Tukaram Madhu Patil & Ors. Applicants

V/s.

Mr.Krishna Yashwant Akal Respondent

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SANTOSH
KAMBLE

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Mr.Shrikant Hanmantrao Yadav, for the Applicants.
Mr.Kedar Pralhad Lad, for the Respondent.

CORAM : SHIVKUMAR DIGE, J.

DATE : 28th FEBRUARY 2024

P.C:-

. Heard learned counsel for the Applicants.

2. The learned counsel for the Applicants submits that the Applicant has suffered 30% disability in the said accident. After the accident the Applicant is unable to do any work. He has no source of income. He requires amount for daily expenses. Hence, requested to allow the Application.

3. The learned counsel for the Respondent has objected to allow the Application on the ground that at the time of the

accident Respondent was not owner of the offending vehicle. The said vehicle was sold to other person. But this fact is not considered by the Tribunal. Hence, order passed by the Tribunal is challenged before this Court. Hence, requested to dismiss the Application.

4. I have heard both the learned counsel.

5. Admittedly, the Applicant has suffered 30% permanent physical disability in the accident. After the accident he has no source of income. The Applicant needs the amount for daily expenses and medical expenses. 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 Applicant is permitted to withdraw 15% amount out of the deposited amount along with accrued interest thereon on furnishing undertaking.

(SHIVKUMAR DIGE, J.)