

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

INTERIM APPLICATION NO. 9151 OF 2024

IN

FIRST APPEAL NO. 1847 OF 2024

Shubham Nitin Shirke

... Applicant

Versus

Maharashtra State Road Transport Corporation

... Respondent

.....

Mr. H.S.Gupta i/b. S.R.Gupta, Advocate for the Applicant.

Mr. D.D.Rananaware, Advocate for the Respondent.

CORAM : SHIVKUMAR DIGE, J.

DATED : 17th DECEMBER, 2024.

P.C. :

1. By this application, applicant seeks withdrawal of amount.
2. Learned counsel for the applicant submits that applicant has suffered permanent physical disability due to accidental injuries. He needs amount for medical expenses and daily expenses. Hence requested to allow the application.
3. Learned counsel for the respondent strongly objected to allow the application on the ground that accident occurred due to sole negligence of the applicant. The compensation is awarded on higher side without any evidence on record. The physical disability is not proved before the Tribunal, hence requested to reject the application.

4. I have heard both the learned counsel. Due to accidental injuries the applicant has suffered permanent physical disability. He needs the amount for daily expenses and medical expenses. The issue raised by the respondent -Corporation can be considered at the time of final hearing of the appeal. Hence, considering this fact, I pass following order:

ORDER

- i. The application is allowed.
- ii. The applicant is permitted to withdraw the 30% amount out of deposited amount along with accrued interest thereon on furnishing usual undertaking.

5. The interim application is disposed of.

(SHIVKUMAR DIGE, J.)

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