

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

**INTERIM APPLICATION NO.12945 OF 2024  
IN  
FIRST APPEAL (ST) NO.19666 OF 2024**

Saket Dnyaneshwat Tidke .... Applicant

V/s.

Maharashtra State Road Transport .... Respondent  
Corporation, Thr. The Divisional  
Controller, Pune

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**WITH  
INTERIM APPLICATION NO.10773 OF 2024  
WITH  
INTERIM APPLICATION NO.10772 OF 2024  
IN  
FIRST APPEAL (ST) NO.19666 OF 2024  
WITH  
CROSS OBJECTION (ST) NO.24070 OF 2024**

Maharashtra State Road Transport .... Applicant  
Corporation, Thr. The Divisional  
Controller, Pune

V/s.

Sanket Dnyaneshwat Tidke .... Respondent

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Mr.Yogesh Pande, for the Applicant.

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

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**CORAM : SHIVKUMAR DIGE, J.**

**DATE : 14<sup>th</sup> NOVEMBER 2024**

P.C:-

**INTERIM APPLICATION NO.10772 OF 2024**

. Heard learned counsel for the Applicant and the learned counsel for the Respondents.

2. Considering the submission of both learned counsel and the reasons mentioned in the Application, the delay of 73 days for filing the Appeal is condoned. The Application is allowed and disposed of.

3. The Appeal be registered.

**INTERIM APPLICATION NO.12945 OF 2024**

4. Heard learned counsel for the Applicants.

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

6. The learned counsel for the Applicants submits that, the Applicant has suffered 70% disability in the said accident. After the accident the Applicant is unable to do any work. He has no source of income. The Applicant is last year Engineering student. He requires amount for medical expenses. Hence, requested to allow the Application.

7. The learned counsel for the Respondent has objected to allow the Application on the ground that, the Applicant has received amount through mediclaim. He cannot seek compensation. But this fact is not considered by the Tribunal. Hence, requested to dismiss the Application.

8. I have heard both the learned counsel.

9. Admittedly, the Applicant has suffered 70% 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 of the Appeal. Hence, I pass following order.

### **ORDER**

- (i) The Application is allowed.
- (ii) The Applicant is permitted to withdraw 40% amount out of the deposited amount along with accrued interest thereon on furnishing undertaking.

**INTERIM APPLICATION NO.10773 OF 2024**

10. The learned counsel for the Applicant submit that the Applicant has deposited entire award amount along with accrued interest thereon, hence, requested to stay the impugned order.
11. Considering the submissions of the learned counsel as well as reasons mentioned in the Application, the impugned order is stayed till final disposal of the Appeal.
12. The Interim Application is disposed of.

**(SHIVKUMAR DIGE, J.)**