

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE SIDE JURISDICTION
INTERIM APPLICATION NO.15151 OF 2024
IN
FIRST APPEAL NO. 1911 OF 2024

Shravankumar Alias Pappu Ramlularak Dubey. Applicant

IN THE MATTER BETWEEN

Maharashtra State Road Transport Corporation
Thr. Its General Manager Appellant

Versus

Shravankumar Alias Pappu Ramlularak Dubey & Respondents
Ors.

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Mr. Jigar Agarwal, for the Applicant.
Mr. D. D. Rananaware, for the Appellant/Corporation.

CORAM : SHIVKUMAR DIGE, J.

DATE : 16th DECEMBER, 2024.

P.C. :

1. By this application, the Applicant is seeking withdrawal of the amount.

2. Learned counsel for the Applicant submits that due to accidental injuries, the Applicant has suffered 40% permanent physical disability. Applicant has no source of income. He needs the amount for his daily expenses and medical expenses. Hence, requested to allow the application.

3. Learned counsel for the Respondent/Corporation strongly objected to allow the application on the ground that the accident occurred due to sole negligence of the other vehicles. In spite of that, the Tribunal has fixed 80% liability on the driver of Corporation, which is erroneous.

Learned counsel further submitted that while the Claimant claims to have suffered 40% disability, but he was referred to the Medical Board, which assessed his disability at 15%. Hence, requested to reject the application.

4. I have heard both learned counsel.

5. Applicant is suffered permanent physical disability in the accident. He needs the amount for daily expenses and medical expenses. The issue raised by the learned counsel for the Respondent/Corporation can be considered at the time of final hearing of the appeal. Hence, I pass following order:

ORDER

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

The application stands disposed of.

(SHIVKUMAR DIGE, J.)