

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE SIDE JURISDICTION
INTERIM APPLICATION NO. 15429 OF 2024
IN
FIRST APPEAL (ST) NO. 22404 OF 2024

Kapil Ulhas Sarang Applicant

IN THE MATTER BETWEEN

Maharashtra State Road Transport Corporation, Appellant
Mumbai

Versus

Kapil Ulhas Sarang Respondent

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Mr. Avadhut Bidaye, for the Applicant.
Mr. D. D. Rananaware, for the Appellant/Corporation.

CORAM : SHIVKUMAR DIGE, J.

DATE : 18th DECEMBER, 2024.

P.C. :

1. By this application, Applicant is seeking withdrawal of the amount.
2. It is contention of learned counsel for the Applicant that due to accidental injuries applicant suffered 34% permanent physical disability. He has no source of income. He needs the amount for his daily expenses and medical expenses. Hence, requested to allow the

application.

3. It is contention of learned counsel for the Appellant/Corporation strongly objected to allow the application on the ground that accident occurred between two motorcycles. The motorcycle of the Applicant was dashed with the other vehicle and Applicant fell down on road and he came under the left rear wheel of the bus. Therefore, there was no fault on the part of the bus driver but this fact is not considered by the Tribunal and has passed the impugned judgment and order. Hence, requested to reject the application.

4. I have heard both learned counsel.

5. Applicant has suffered 34% permanent physical disability. He has no source of income. He needs the amount for his daily expenses and medical expenses. The issue raised by the learned counsel for the Appellant/Corporation can be considered at the time of final hearing of Appeal.

6. In view of above, I pass following order:

ORDER

- i. Application is allowed.
- ii. The Applicant is permitted to withdraw the 25%

amount along with accrued interest thereon, by
furnishing usual undertaking.

The application stands disposed of.

(SHIVKUMAR DIGE, J.)