

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
INTERIM APPLICATION NO. 1186 of 2025**

in

FIRST APPEAL NO. 687 of 2024

Surendra Digamber Kolate Applicant

In the matter of

The Municipal Corporation of Greater Mumbai ... Appellant
through The General Manager

versus

Surendra Digamber Kolate Respondent

Ms. Swati Sawant i/b. S. K. Legal Associates, Advocates for the
Applicant/Claimant.

Mr. T. R. Kale i/b. Mr. T. J. Mendon, Advocate for the Appellant-
Corporation.

CORAM : SHIVKUMAR DIGE, J.

DATE : 31st JANUARY, 2025.

P.C. :

1. Heard learned counsel for the applicant and learned counsel
for appellant-Corporation.

2. By this application, the applicant is seeking withdrawal of the
amount. Learned counsel for the applicant submits that due to accidental
injuries, the applicant has suffered 42% permanent physical disability. He
has no source of income, he needs the amount for his daily expenses.
Hence, requested to allow the application.

3. Learned counsel for appellant - Corporation strongly objected to allow the application on the ground that the accident occurred due to sole negligence of the applicant. Hence, requested to reject the application.

4. I have heard both learned counsel. Due to accidental injuries, the applicant has suffered 42% permanent physical disability. He has no source of income, he needs the amount for his daily expenses and medical expenses. The grounds raised by the appellant-Corporation can be considered at the time of final hearing of the appeal. Hence, I pass the following order :

O R D E R

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

The application is disposed of.

(SHIVKUMAR DIGE, J.)