

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

INTERIM APPLICATION NO. 7636 OF 2025

IN

FIRST APPEAL NO. 1026 OF 2024

Dattatray Shantaram Dalvi

..... Applicant

IN THE MATTER BETWEEN

Maharashtra State Road Transport Corporation

..... Appellant

VERSUS

Dattatray Shantaram Dalvi

..... Respondent

Mr. Manjeet Lotankar i/b. Mr. D.D.Rananaware for the Appellant.

Ms.Ketki Gokhale i/b. Mr. A.M.Gokhale for Respondent.

CORAM : RAJESH S. PATIL, J.

DATE : 4 SEPTEMBER , 2025

P.C. :-

1) This Interim Application is filed by the original claimant seeking withdrawal of the amount deposited by the Appellant before the MACT, Thane.

2) Appellant has not filed reply opposing this Application.

3) The Applicant submits that due to the unfortunate accident, they have suffered financially and mentally. The Applicant

submitted that they have no sufficient source of income, therefore, the present Application has been filed.

4) Learned Advocate for the original claimant submits that the Applicant was working as a helper when this unfortunate accident took place. She submitted that witness no.3 Mr.Jaywant Madhukar More, working as a police Naik with Murbad Police Station examined by the appellant State Transport Company admitted in cross examination that there were scratches towards front side of the bus. A report bears the signature of Mr.Sachin Manje. He further admitted in cross examination that the accident has taken place because of the negligence of the bus driver. The bus driver was subsequently arrested after FIR was lodged.

5) I have heard Counsel for both the sides and also I have gone through the contents of the Interim Application. According to me, in the interest of justice, it would be appropriate if the Applicant is permitted to withdraw 70% of the decretal amount deposited by the Insurance Company as per the ratio mentioned in the impugned judgment and award dated 4 January, 2024.

6) The Registry should verify and see to it that the amount is

directly transferred in the sole account of the claimant.

7) The 70% of the decretal amount awarded to the Applicant is allowed to be withdrawn, upon furnishing an undertaking before the MACT to the effect that if he fails in this First Appeal, he will return the amount with interest, at such rate as may be directed by this Court at the time of disposal of the First Appeal.

8) Balance amount shall be invested in the fixed deposit of a nationalized bank initially, for a period of one year and thereafter for like period depending the pendency of this Court.

9) All the parties to act on an authenticated copy of this order. Issuance of certified copy of the order is expedited.

10) The interim application is accordingly **disposed of**.

[RAJESH S. PATIL, J.]