

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

INTERIM APPLICATION NO. 8814 OF 2025

IN

FIRST APPEAL(ST) NO. 4441 OF 2025

Balu Shrirang Hatekar ... Applicant

IN THE MATTER OF

Maharashtra State Road Transport ... Appellant

Versus

Balu Shrirang Hatekar ... Respondent

.....

Ms. Kavita Anchan i/b. Mr. Vishal A. Dhende, Advocate for Applicant.

Mr. D. D. Rananaware a/w. Mr. Abhijit Phulsundar, Advocates for the Appellant.

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CORAM : SHIVKUMAR DIGE, J.

DATED : 19th JUNE, 2025.

P. C. :

1. By this application, applicant is seeking withdrawal of amount.
2. It is the contention of learned counsel for the applicant that due to accidental injuries applicant/claimant has suffered 65% permanent physical disability. The claimant needed the amount for his daily expenses, as due to disability, he is unable to do any work. Hence, requested to allow the application.
3. Learned counsel for the appellant - Insurance company strongly objected to allow the application on the ground that accident occurred due

to sole negligence of the claimant and compensation awarded by the Tribunal is on higher side. But this fact is not considered by the Tribunal, hence requested to reject the application.

4. I have heard both the learned counsel. Due to accidental injuries, the applicant has suffered 65% permanent physical disability. Applicant needs the amount for daily expenses and medical expenses. The grounds raised by the appellant / Insurance Company can be considered at the time of final hearing of the appeal. Hence, considering this fact, I pass following order :

ORDER

- (i) The application is allowed.
- (ii) The applicant is permitted to withdraw 50% amount out of deposited amount along with accrued interest thereon on out of deposited amount on furnishing usual undertaking.

5. The Interim application is disposed of.

(SHIVKUMAR DIGE, J.)