

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

INTERIM APPLICATION NO. 8853 OF 2025

IN

FIRST APPEAL(ST) NO. 21842 OF 2024

Chandrakant Ravji Dore

... Applicant

IN THE MATTER OF

Maharashtra State Road Transport Corporation

... Appellant

Versus

Chandrakant Ravji Dore

... Respondent

.....

Mr. Sanjay Ghaisas, Advocate for the Applicant.

Mr. D.D.Rananaware, Advocate 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 Applicant has suffered permanent physical disability due to accidental injuries, he is a sole earning member of his family. He need the amount for daily expenses and he has no source of income, hence1 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 applicant, so under Section 163-A of Motor Vehicles Act, he is not entitled for any compensation as per view of *Ramkhiladi & Anr. Vs. United India Insurance Co. and Anr.*¹ but this fact is not considered by the Tribunal, hence requested to reject the application.

4. I have heard both the learned counsel. The applicant has suffered permanent physical disability due to accidental injuries he is the sole earning member of his family. Applicant has no source of income. Applicant need the amount for daily 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 applicants are permitted to withdraw 40% 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.)

¹ AIR 2020 SCC 527