

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

CIVIL APPLICATION NO. 7168 OF 2022
IN
FIRST APPEAL STAMP NO. 467 OF 2020

KHUDRAT NABI SHAIKH
VERSUS
M/S. SHRIRAM GENERAL INSURANCE CO.
LTD THR ITS MANAGER AND ANOTHER

....
Advocate for the applicant : Mr. R.P.Adgaonkar
Advocate for respondent No.1 : Mr. V. N. Upadhye
....

CORAM : S. G. DIGE, J.
DATE : 29.07.2022

PER COURT :-

Heard learned counsel for the applicant and learned counsel for the respondent.

2. Learned counsel for the applicant submits that respondent has challenged Judgment and award passed by learned tribunal and has deposited entire award amount before this Court. Applicant is seriously injured in the said accident. He needs the amount for day to day activities. Applicant has no source of income. He took private loan for his day to day need. Hence requested to allow the application.

3. Learned counsel for respondent submits that in appeal respondent has raised various grounds one of ground of is that first information report was lodged after 75 days of the accident. Hence requested to dismiss the application.

4. I have heard both the learned counsel.

5. Applicant is needed money for his day to day activities. It is contention of the applicant that after accident he is not in position to work and he has borrowed amount from his relative and friends. The ground raised by the learned counsel for the respondent can be considered at the time of final hearing of appeal. Hence I pass the following order.

ORDER

- (i) Application is allowed.
- (ii) Applicant is permitted to withdraw 25% amount along with interest on furnishing undertaking and 25% amount along with interest on furnishing solvent surety.

**(S.G. DIGE,)
JUDGE**