IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

INTERIM APPLICATION NO. 1238 OF 2023
IN
FIRST APPEAL (St.) 23764 OF 2022

Uttam Baburao Patil & Ors. ….Applicants
Versus
United India Insurance Co. Ltd. ….Respondent/ Appellant

Mr. Sudhakar G. Thorat, Advocate for the Applicants.
Mr. Amol A Gatne, Advocate for the Respondent/Appellant-Insurance Company.

CORAM : S. G. DIGE, J.

DATE : 8th FEBRUARY 2023.

P.C. :

1. Heard learned counsel for the applicants and learned counsel for the respondent- Insurance Company.

2. Learned counsel for the applicants submits that applicant No.1 was injured in the accident and he suffered 15% disability. Due to the said disability, applicant No.1 is unable to do any work. Applicant No.1 has no source of income. Hence, he requested to allow the application.

3. Learned counsel for the respondent-Insurance Company strongly objected to allow the application on the ground that at the time of the accident the driver of the offending vehicle was not holding effective and valid driving license and was not holding a requisite permit but this fact is not considered by the Tribunal. Hence, requested to dismiss the application.

4. I have heard both learned counsel. Applicant No.1 is injured in the said accident, he has suffered 15% disability. He has no source of income, he requires the amount for his daily expenses. Hence, I pass the following order :

O R D E R

1. The application is allowed.
2. The applicant is permitted to withdraw 50% amount along with accrued interest thereon, out of the deposited amount, on furnishing undertaking.

The application is disposed of.

(S. G. DIGE, J.)