

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

**INTERIM APPLICATION NO.1530 OF 2023
IN
FIRST APPEAL (ST) NO.27617 OF 2018**

Vishal Tanajji Mane And Anr. ... Applicants
V/s.
National Insurance Company and Ors. ... Respondents

Mrs. Urmila K. Sanil for the Appellant.
Mr. R. S. Alange for Respondent No.1

CORAM : SHIVKUMAR DIGE, J.

DATED : 21st APRIL, 2023

P.C.:

1. Heard learned counsel for the applicants and learned counsel for the respondent.
2. Learned counsel for the applicants submits that applicant has suffered 56% injury in the accident. He has suffered injury to his brain, the applicant was in coma due to brain injuries for couple of years now he has become conscious, but he is bedridden since accident he is unable to do any work, he has no source of income, he needs the amount for daily expenses. Hence, requested to allow the application.
3. Learned counsel for the Respondent-Insurance Company strongly objected to allow the application on the ground

that two vehicles were involved in the accident, the drivers of both vehicle were not holding effective and valid driving licence at the time of accident, though the applicant is stating that he has suffered injury to his brain, but disability certificate is issued by the doctor who was not neurological doctor. The applicant has already withdrawn 25% amount out of deposited amount. Hence, requested to dismiss the application.

4. I have heard both learned counsel. The applicant has suffered 56% disability in the accident, he has suffered injury to his brain he was in coma for couple of years he has gained consciousness, but still he is bedridden, he has no source of income, he needs for daily expenses. The issue raised by the learned counsel for respondent-insurance company can be considered at the time of final hearing of the appeal. Hence, I pass the following order.

ORDER

- (i) The application is allowed.
- (ii) The applicants are permitted to withdraw 25% amount, out of the deposited amount along with interest accrued thereon, on furnishing undertaking.

The application stands disposed of.

(SHIVKUMAR DIGE, J.)