

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

INTERIM APPLICATION NO. 678 OF 2023

**IN
FIRST APPEAL (ST) NO.19683 OF 2022**

Madhuri Ajay SawantApplicant

In the matter between

New India Assurance Co. Ltd. & Ors.Appellants

Versus

Madhuri Ajay Sawant & Ors.Respondents

Mrs. karishma Jhaveri i/b Navdeep Vora & Asso. for the
Applicant/Appellants.

Mrs. Varsha Chavan for the Respondent No.1.

Mr. Shankar Kale i/b S. G. Thorat for the Respondent Nos. 2 &3.

CORAM : S. G. DIGE, J.

DATE : 17th FEBRUARY 2023.

P.C. :

1. Heard learned counsel for the Applicant and learned
counsel for the Respondents.

2. The learned counsel for the Applicant submits that the
Applicant was injured in the accident. After the accident the Applicant
has suffered permanent partial disability. The accident occurred in the
year 2015, since, then the Applicant has not received any

compensation. The applicant was working as a laborer. After the incident of accident she is unable to do any work. She needs the amount for daily expenses and for medical expenses. Hence, requested to allow the Application.

3. The learned counsel for the Respondent No. 1 strongly objected to allow the Application on the ground that the cheque which was given as premium of policy was dishonored. The intimation was given to the insurer and RTO Officer. In spite of that the tribunal has fixed the liability on Insurance Company. There is no liability of Insurance Company arise to pay the compensation, but this fact is not considered by the Tribunal and wrongly fixed liability on Insurance Company. The said fact is challenged before this court by way of appeal. Hence, requested to dismiss the Application.

4. The learned counsel for the Respondent Nos. 2 and 3, submits that appropriate order be passed.

5. I have heard both learned counsel.

6. Admittedly, the Applicant was injured in the accident. She has suffered 60% permanent disability in the said accident. She was laborer. She is required the amount for her daily expenses and for medical expenses. She has no source of income. The ground raised by

the Respondents can be considered at the time of final hearing. I pass the following order.

ORDER

- i. Application is allowed.
- ii. Applicant is permitted to withdraw 30% amount along with accrued interest thereon out of deposited amount on furnishing undertaking.
- iii. Application is disposed of.

(S. G. DIGE, J.)