

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

**INTERIM APPLICATION NO.1984 OF 2023
IN
FIRST APPEAL NO.819 OF 2022**

Jaibunnisa Shaikh	... Applicant
V/s.	
Reliance General Insurance Company Ltd., Mumbai	... Respondent

Mr. Mujtaba Shaikh i/by Mr. Rajendra Rathod for the Applicant.
Mrs. Shalini Shankar for the Respondent.

CORAM : SHIVKUMAR DIGE, J.

DATED : 10th APRIL, 2023

P.C.:

1. Heard learned counsel for the Applicant and learned counsel for the Respondent-Insurance Company.
2. The learned counsel for the Applicant submits that the Applicant has suffered 40% disability in the said accident. Due to disability, the Applicant is unable to do any work. The Applicant needs the amount for her daily expenses accident was occurred in 2014 since then Applicant has not received any compensation. Hence, requested to allow the application.
3. The learned counsel for the Respondent-Insurance Company strongly objected to allow the application on the ground

that the claimant was 5 years old at the time of accident and Tribunal has awarded more than Rs.15 lakhs as compensation which is exorbitant and excessive. Hence, requested to dismiss the application.

4. I have heard both the learned counsel.

5. Accident occurred in the year 2014 since then Applicant has not received any compensation. The Applicant needs the amount for her daily expenses and treatment. The issue raised by the learned counsel for the Respondent can be considered at the time of final hearing of the Appeal. Hence, I pass following order :-

O R D E R

- (i) Application is allowed.
- (ii) The Applicants are permitted to withdraw 40% amount along with accrued interest thereon out of deposited amount on furnishing undertaking.
- (iii) Application is disposed of.

(SHIVKUMAR DIGE, J.)