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

**CIVIL APPELLATE JURISDICTION**

**INTERIM APPLICATION NO. 30213 OF 2022**

**IN**

**FIRST APPEAL NO. 1373 OF 2019**

Mr. Aakash Raju Kamble ….Applicant
**In the matter between**
IFFCO-TOKIO General Insurance Co. Ltd. ….Appellant

**Versus**
Mr. Aakash Raju Kamble & Anr. ....Respondent.

Ms. Mayuri Mangeshkar i/b Jitendra, for the Applicant.
Ms. Nikita Singh a/w Aarushi Srivastava a/w Rajesh Kanojia for the Appellant/Respondent.

**CORAM : S. G. DIGE, J.**

**DATE : 31st JANUARY 2023.**

**P.C. :**

1. Heard learned counsel for the Applicants and learned counsel for the Respondent.

2. The learned counsel for Applicant submit that the applicant was severely injured in the accident. Due to accident he has suffered permanent disability. The Applicant is unable to do any work. He is not in position to earn money for his day to day activities. The

applicant is totally dependent on others. Hence requested to allow the Application.

3. The learned counsel for the Respondent strongly objected to allow the Application on the ground that the policy of the offending vehicle is fake policy and this fact was contended before the tribunal, but it was not considered, hence, requested to dismiss the Application.

4. I have heard both learned counsel. In the accident Applicant his sustained 42% disability. After accident he is unable to do any work. He needs the amount for his daily expenses. The issue raised by the Applicant can be considered, at the time of final hearing.

5. Hence, I pass following order.

**ORDER**

i. Application is allowed.

ii. The Applicant is permitted to withdraw 30% amount along with accrued interest thereon, out of the deposited amount by the Respondent, on furnishing undertaking.

ii. Application is disposed of.

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