IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

INTERIM APPLICATION NO. 2552 OF 2022

IN

FIRST APPEAL NO. 1138 OF 2018

Nadim Dawood Dalvi ...Applicant

Versus

Bajaj Alliance General Insurance
Company Ltd. ...Respondent

Mr. Jitendra Gor i/by Ms. Kalpana Trivedi for Applicant.

Ms. Yogita Deshmukh for Respondent.

CORAM : S. G. DIGE, J.

DATE : 28th February 2023.

P. C. :

1. Heard learned Counsel for the Applicant and learned Counsel for the Respondent.

2. Learned Counsel for the Applicant submits that the Applicant got injured in the accident. He had incurred heavy medical expenses due to the serious accidental injuries. The Applicant had taken loan form the relatives to meet the medical expenses, which were incurred to recover from personal injuries. Due to the disability suffered in accident, the Applicant is unable to do any work and was bedridden for continuous one year. He has no source of income. Hence, requested to allow the Application.

3. Learned Counsel for the Respondent strongly objected to allow

Application on the ground that the Policy, which was produced before the Tribunal, was not covered and the policy was fake and this fact was not considered by the Tribunal. The Tribunal has awarded exorbitant and excessive compensation. Hence, requested to dismiss the Application.

4. I have heard both the learned Counsel.

5. The Applicant is injured in the accident. Due to accidental injuries he is unable to do any work. He needs the amount for his daily expenses. He has no source of income. The issue in respect of fake policy is considered by the Tribunal and thereafter the compensation is awarded. Hence, I pass following Order :

ORDER

i. Application is allowed and disposed off.

ii. The Applicant is permitted to withdraw 25% amount out of deposited amount on furnishing undertaking.

(S.G. DIGE, J.)