

IN THE HIGH COURT OF JUDICATURE AT BOMBAY**CIVIL APPELLATE JURISDICTION****INTERIM APPLICATION NO. 2447 OF 2023****IN****FIRST APPEAL NO. 252 OF 2023**

Sandip Gopinath Shelar and Anr.

... Applicants

IN THE MATTER OF :

Bajaj Allianz General Insurance Co. Ltd., Mumbai

... Appellant

Versus

Sandip Gopinath Shelar and Ors.

... Respondents

.....

Mr. Jitendra P. Gor, Advocate for Applicants.

Mr. Pandit Kasar, Advocate for Appellant.

CORAM : SHIVKUMAR DIGE, J.**DATE : 22nd DECEMBER, 2023****P.C. :**

1. It is the contention of learned counsel for the applicants that claimant has suffered 30% permanent partial disability. Due to accidental injuries he is unable to do any work. He has no source of income, hence requested to allow the application.

2. Learned counsel for the appellant/ Insurance Company strongly objects to allow the application on the ground that the Tribunal has awarded compensation on higher side. The mediclaim amount is considered while calculating the compensation which is not proper. Hence, requested to reject the application.

3. I have heard both the learned Counsel. The claimant has suffered 30% permanent physical disability. He has no source of income . He needs the amount for daily expenses. Hence, Considering this fact, I pass following order :

ORDER

(i) The application is allowed.

(ii) The claimant is permitted to withdraw 50% amount out of deposited amount along with accrued interest thereon on furnishing usual undertaking.

4. The Interim Application is disposed off.

5. Learned counsel for the appellant submits that this Court (Coram: Smt. Anuja Prabhudessai, J.) by Order dated 22.08.2023 has observed that appeal was dismissed for non filing of paper book within the stipulated time and to file appropriate application for restoration of the appeal but the appeal was not dismissed nor any directions were given for filing paper book.

6. Considering submission of learned counsel for appellant, Order passed by this Court dated 22.08.2023 is recalled.