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

INTERIM APPLICATION NO.2654 OF 2023

**IN
FIRST APPEAL (ST) NO.5771 OF 2023**

Jayesh Himmatlal Parmar	... Applicant
IN THE MATTER BETWEEN	
ICICI Lombard General Insurance Co. Ltd.	... Appellant
V/s.	
Jayesh Himmatlal Parmar & Ors.	... Respondents

Mr. Yogesh Pande i/by KML Legal Venture, for Appellant.

Mr. Amol Gatne i/by Ms. Swati U. Mehta, for
Applicant/Respondent.

CORAM : SHIVKUMAR DIGE, J.

DATED : 27th MARCH 2023.

P.C.:

1. Learned Counsel for the Applicants submits that the deceased was sustained 48% permanent disability in the accident. Since, accident the Applicant is unable to do any work. He has no source of income. He needs amount for his daily expenses. Hence, requested to allow the Application.

2. Learned Counsel for Respondent-Insurance Company strongly objected to allow the Application on the ground that the Tribunal has considered notional monthly income of deceased on higher side and on

that basis exorbitant and excessive compensation is awarded which is under challenge. Hence, requested to dismiss the Application.

3. I have heard both learned Counsel. The Applicant has suffered 48% permanent disability in the accident. He is unable to do any work. He needs amount for his daily expenses. He has no source of income. Hence, I pass the following order :

ORDER

1. The Application is allowed.
2. The Applicant is permitted to withdraw the 50% amount along with accrued interest therein, out of the amount deposited amount on furnishing usual undertaking.

The application is disposed of.

(SHIVKUMAR DIGE, J.)