

SA Pathan

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

**INTERIM APPLICATION NO.2667 OF 2023
IN
FIRST APPEAL NO. 398 OF 2021**

Anish Gopinathan Nair & Anr. ... Applicants
V/s.
M/s.IFFCO Tokio General Insurance Co.Ltd. ... Respondent

Mr. Rakesh Kaujia, for the Appellant.

Mr. Amit Gatne i/by Swati Uday Mehta, for
Respondents/Applicant in Interim Application No.2667 of
2023.

CORAM : S. G. DIGE, J.

DATED : 27th MARCH 2023.

P.C.:

1. Heard learned Counsel for the Appellant and learned Counsel for Applicant/Respondents.
2. Learned Counsel for the Applicants submits that the Applicant had sustained 90% disability in the accident. Since accident, the Applicant is unable to do anything. He has no source of income. He needs the amount for daily expenses and for further medical treatment. Hence, requested to allow the Application.
3. Learned Counsel for Respondent vehemently submits that after the accident driver of offending vehicle had gone to the police station to report about the accident but police did not take

cognizance of his report and after three (3) months the FIR is registered against the driver of offending vehicle and this fact is not considered by the Tribunal and awarded the exorbitant and excessive compensation. Hence, requested to dismiss the Application.

4. I have heard both learned Counsel. Admittedly, the Applicant has sustained 90% disability in the accident, he is unable to do anything. He needs daily expenses and for further medical treatment. He is the sole earning member of the Applicants' family. The Applicants need the amount for their daily expenses. The Applicants have no source of income. The grounds raised by the Respondent can be considered at the time of final hearing of the Appeal. Hence, I pass the following order :

O R D E R

1. The Application is allowed.
2. The Applicant is permitted to withdraw the 30% amount along with accrued interest therein, out of the amount deposited amount on furnishing usual undertaking.

The Interim Application is disposed of.

(S. G. DIGE, J.)