IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
INTERIM APPLICATION NO. 10500 OF 2022
IN
FIRST APPEAL NO.571 OF 2021

Basappa Hanumanta Nayak ….Applicant

Versus

Bajaj Allianz General Insurance Co. Ltd. … Respondent.

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Ms. Varsha Chavan Advocate for the Applicant.
Mr. D.S. Joshi Advocate for the Respondent-in IA & for appellant in FA.

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CORAM : S. G. DIGE, J.

DATE : 6TH FEBRUARY, 2023.

P.C. :

1. Heard learned counsel for applicant and learned counsel for Respondent -Insurance Co.

2. Learned counsel for applicant submits that applicant was injured in the accident and has sustained a permanent partial disability to an extent of 33%, due to which he is unable to do any work. Applicant needs the amount for daily expenses. Hence,

requested to allow the application.

3. Learned counsel for respondent-Insurance Company objected to allow the application on the ground that the insurance policy which was produced before the Tribunal is fake policy. Inspite of that, the Tribunal has fixed liability on Respondent-Insurance Company, which is not proper. Hence, requested to dismiss the application.

4. I have heard both learned counsel.

5. The Tribunal has allowed the claim petition filed by the applicant and has awarded compensation which is challenged by the Respondent-Insurance Company on various grounds, one of the issue raised is of fake policy. The Tribunal has considered this fact and allowed the petition. The applicant has suffered 33% partial disability, he has no source of income he requires amount for his daily expenses.

6. Hence, I pass following order.

ORDER

I. Application is allowed.

ii. Applicant is permitted to withdraw 25% amount along with accrued interest thereon out of deposited amount on furnishing undertaking.

Iii. Application is disposed off.

(S. G. DIGE, J.)