

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
INTERIM APPLICATION NO. 4044 OF 2023
IN
FIRST APPEAL (STAMP) NO. 6109 OF 2023

Harshal Pradeep Ghanekar ...Applicant

IN THE MATTER BETWEEN

Reliance General Insurance Co. Ltd. ...Appellant

Versus

Harshal Pradeep Ghanekar & Anr. ...Respondents

Mr. S. M. Mangaonkar for the Applicant.

Ms. Kalpana R. Trivedi for the Appellant.

CORAM : SHIVKUMAR DIGE, J.

DATE : 24th APRIL, 2023.

P. C. :

1. Learned Counsel for the Applicant submits that the Applicant has suffered 62% disability in the accident, but the Tribunal has considered 50% disability and on that basis, compensation is awarded. After the accident, the Applicant is unable to do any work. He has no source of income. He needs the amount for daily expenses. Hence, requested to allow the Application.

2. Learned Counsel for the Appellant-Insurance company strongly objected to allow the Application on the ground that out of total

compensation, an amount of Rs. 38,00,000/- is given for the medical expenses. The Applicant has received the medical expenses amount from his company as reimbursement. The Tribunal should not have awarded this amount. Hence, requested to dismiss the Application.

3. I have heard both learned Counsel.

4. The Applicant has suffered 50% disability in the accident. He has no source of income. He is unable to do any work. He needs the amount for daily expenses. The issue raised by the learned Counsel for the Appellant can be considered at the time of final hearing of the Appeal. Hence, I pass following order :

ORDER

- i. Application is allowed.
- ii. The Applicant is permitted to withdraw 40% amount out of deposited amount alongwith accrued interest thereon, on furnishing an undertaking.
- iii. Application is disposed of.

(SHIVKUMAR DIGE, J.)