

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
INTERIM APPLICATION NO. 4073 OF 2023
IN
FIRST APPEAL NO. 69 OF 2021

Pravin Prakash Sawant ...Applicant

IN THE MATTER BETWEEN

Cholamandalam Ms General Ins. Co. Ltd. ...Appellant

Versus

Pravin Prakash Sawant & Anr. ...Respondents

Mr. T. J. Mendon for the Applicant/Respondent No.1.

Mr. Aniket Nangare i/by Mr. N. V. Bhutekar 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 35% disability in the said accident, but the Court has considered 25% disability. 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 submits that the treating doctor has not issued the disability certificate. It was disputed by the Appellant-Insurance Company before the Tribunal,

but the said fact was not considered by the Tribunal. The Tribunal has awarded exorbitant and excessive compensation, hence, requested to dismiss the application.

3. I have heard both learned Counsel.

4. Applicant has suffered disability in the accident. After the accident, he has no source of income and he is unable to do any work. He needs the amount for daily expenses. The issue raised by 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 partly allowed.
- ii. The Applicant is permitted to withdraw 30% amount out of deposited amount alongwith accrued interest thereon, on furnishing an undertaking.
- iii. Application is disposed of.

(SHIVKUMAR DIGE, J.)