

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
INTERIM APPLICATION NO. 4262 OF 2023
IN
FIRST APPEAL (STAMP) NO. 19319 OF 2017

Sharad Trimbak Patil ...Applicant

IN THE MATTER BETWEEN

Reliance General Insurance Co. Ltd. ...Appellant

Versus

Sharad Trimbak Patil & Anr. ...Respondents

Mr. Rahul Mehta i/by KMC Legal Venture for the Appellant.

Ms. Rina Kundu for Applicant/Respondent No.2.

CORAM : SHIVKUMAR DIGE, J.

DATE : 2nd MAY, 2023.

P. C. :

1. Learned Counsel for the Applicant submits that the Applicant has suffered 24% disability in the accident. After the accident, he is unable to do the 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 at the time of accident, the driver of offending vehicle was not holding a valid and effective driving license and on that basis, exorbitant and excessive

compensation is awarded by the Tribunal, hence, requested to dismiss the Application.

3. Heard both learned Counsel.

4. Admittedly, the Applicant has suffered 24% permanent disability in the accident. He has no source of income. He needs the amount for daily expenses. The issue raised by the learned Counsel for the Appellant-Insurance Company can be considered at the time of final hearing of the Appeal. In view of above, I pass following order :

ORDER

- i. Application is allowed.
- ii. The Applicant is permitted to withdraw 50% amount out of deposited amount, along with accrued interest thereon, on furnishing an undertaking.
- iii. Application is disposed of.

(SHIVKUMAR DIGE, J.)