

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
INTERIM APPLICATION NO. 14706 OF 2023
IN
FIRST APPEAL NO. 229 OF 2023**

Arun Nagendra Dhani	Applicant
In the matter of	
Iffco Tokio General Insurance Company	Appellant
Versus	
Arun Nagendra Dhani and anr.	Respondents

Mr. Jitendra Gor, Advocate for Applicant/Respondent No.1.
Mr. Sarthak Diwan, Advocate for the Appellant/Insurance Company.

CORAM : SHIVKUMAR DIGE, J.

DATE : 5th DECEMBER, 2023.

P.C. :

1. Heard learned counsel for the applicants and learned counsel for appellant-Insurance Company.
2. Learned counsel for the applicants submitted that the applicant's right leg below knee has been amputated due to accidental injuries, he has no source of income. He needs the amount for his daily expenses and future treatment and medication. Hence, requested to allow the application.
3. Learned counsel for appellant-Insurance Company strongly objected to allow the application on the ground that there was no negligence of the insured vehicle and the Tribunal has awarded

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compensation on the higher side without any evidence on record. The finding of the Tribunal has been challenged by the appellant- Insurance Company. Hence, requested to reject the application.

4. I have heard both learned counsel. The right legal of the applicant below knee has been amputated due to accidental injuries. Applicant is 26 year old, he has no source of income. He needs the amount for daily expenses and future treatment and medication. The grounds raised by the appellant-Insurance Company can be considered at the time of final hearing of the appeal. Hence, I pass the following order :

ORDER

1. The application is allowed.
2. The applicant is permitted to withdraw 50% amount along with accrued interest therein, out of the deposited amount, on furnishing usual undertaking.

The application is disposed of.

(SHIVKUMAR DIGE, J.)