

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

**INTERIM APPLICATION NO.10021 OF 2022
IN
FIRST APPEAL (ST) NO.32966 OF 2014**

Gautam Deu Jadhav ... Applicant

V/s.

The Manager,
The Oriental Insurance Co. Ltd., & Anr. ... Respondents

Mrs. Varsha Chavan for the Applicant

Mr. Devendranath S. Joshi i/by Mr. Indrajeet R. Kulkarni for
Respondent No.1.

CORAM : SHIVKUMAR DIGE, J.

DATED : 28th APRIL, 2023

P.C.:

1. Heard learned counsel for the Applicants and learned counsel for the Respondent No.1.

2. Learned counsel for the Applicant submits that Applicant-Claimant has suffered 70% disability in the accident. After the accident, he is unable to do any work. He has no source of income, he need the amount for daily expenses. Hence, requested to allow the application.

3. Learned counsel for the Respondent-Insurance Company submits that at the time accident, the driver of offending

vehicle was not holding effective and valid driving license, but this fact is not considered by the Tribunal, compensation is awarded on higher side. Hence, requested to dismiss the application.

4. I have heard both learned counsel. As per the say of Applicant, he has suffered 70% disability in the accident. He is unable to do any work. He need the amount for daily expenses. The issue raised by the learned counsel for the Respondent can be considered at the time of final hearing of Appeal. Hence, I pass the following order.

O R D E R

- (i) The application is allowed.
- (ii) The Applicant is permitted to withdraw 50% amount, out of the deposited amount along with interest accrued thereon, on furnishing undertaking.

The application stands disposed of.

(SHIVKUMAR DIGE, J.)