

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

**INTERIM APPLICATION NO. 1107 OF 2022
IN
FIRST APPEAL NO. 149 OF 2021**

Shri. Sunil @ Sunilkumar Ramchandra
Rajmane @ RajmaniApplicant

In the matter between

National Insurance Company LimitedAppellant

Versus

Shri. Sunil @ Sunilkumar Ramchandra
Rajmane @ Rajmani. & Ors.Respondents

Mr. Kedar P. Lad for the Applicant.
Mr. P. A. Narayanan for the Respondent in IA/1107/2022 & for the
Appellant in FA/149/2021.

CORAM : S. G. DIGE, J.

DATE : 31st JANUARY, 2023.

P.C. :

1. Heard learned counsel for the Applicant and the learned counsel for the Respondent.
2. The learned counsel for Applicant submits that the applicant was injured in the accident. He has suffered 20% permanent

disability. The applicant was the sole earning member of his family after accident the applicant is unable to do any work. The Respondent has challenged, the order of Tribunal and has deposited the amount before this Court. The applicant needs amount for his daily expenses and for paying the school fees of the children. Hence, requested to allow the application.

4. The learned counsel for Respondent objected to allow the application, on the ground that the Tribunal has not considered the evidence led by the respondent. The excessive compensation is awarded by the tribunal. Hence, requested to dismiss the application.

5. I have heard both learned counsel. Admittedly the applicant was injured in the accident. He was the sole earning member of the applicant's family after accident he is unable to do any work. The Applicant needs the amount for paying the school fees of the children and their daily expenses. Hence, I pass following order.

ORDER

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

- iii. The application is disposed of.
- iv. Call for Recording and Proceedings.

(S. G. DIGE, J.)