

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

INTERIM APPLICATION NO. 16730 OF 2023

IN

FIRST APPEAL (ST) NO.21675 OF 2022

Vivek Niwas Patil

.... Applicant

In the matter between:

The New India Assurance Co. Ltd.

.... Appellant

Versus

Vivek Niwas Patil and Anr.

.... Respondents

Mr. Abhishek Jha a/w. Mr. Nishant Mokal i/b. Jha Legal Associates,
Advocate for Applicant.

Mr. D.S.Joshi, Advocate for Appellant in FA(St.) 21675/2022.

CORAM : SHIVKUMAR DIGE, J.

DATE : 6th DECEMBER, 2023**P.C. :**

1. Heard learned counsel for the applicants.
2. By this application, applicant is seeking withdrawal of amount.
It is the contention of learned counsel for the applicant that deceased was the earning member of applicant's family. Applicant was dependent on the income of deceased. Applicant needs the amount for his daily expenses. Hence, requested to allow the application.
3. Learned Counsel for the Appellant - Insurance Company

strongly objected to allow the application on the ground that offending vehicle was not involved in the accident but this fact is not considered by the Tribunal and compensation awarded is exorbitant and excessive amount. Hence, requested to reject the application.

4. I have heard both the learned Counsel. The deceased was the earning member of the applicant's family. Applicant needs the amount for daily expenses. The grounds raised by the appellant-Insurance Company can be considered at the time of final hearing of the appeal. Considering this fact, I pass following order :

ORDER

- (i) The application is allowed.
- (ii) The applicant is permitted to withdraw the 25% amount out of deposited amount along with accrued interest thereon on furnishing usual undertaking.

5. The application is disposed off.

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(SHIVKUMAR DIGE, J.)