

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

INTERIM APPLICATION NO. 16745 OF 2023

IN

FIRST APPEAL NO. 1127 OF 2022

Umesh Vasant Kalhapure and Anr.

.... Applicant

IN THE MATTER BETWEEN

The New India Assurance Co. Ltd.

... Appellant

Versus

Umesh Vasant Kalhapure and Anr.

.... Respondents

Mr. Shrikant M. Dange, Advocate for the Applicant.

Mr. Niketan Nakhawa a/w. Mr. Pramod Pawar, Advocate for Respondent No.1.

CORAM : SHIVKUMAR DIGE, J.

DATE : 6th DECEMBER, 2023

P.C. :

1. Heard learned counsel for the applicant and learned counsel for respondents.
2. It is the contention of learned counsel for the applicant that applicant has suffered 45% permanent partial disability in the accident. He has no source of income. He needs money for the medication. He has lost his job and has no source of income. Hence requested to allow the application.
3. Learned counsel for the appellant - Insurance company strongly

objected on the ground that there were two injury certificates produced by the applicant before the Tribunal. The applicant was jobless but this fact was not considered by the Tribunal and has awarded exorbitant and excessive compensation hence requested to reject the application.

4. I have heard both the learned counsel. It is the contention of learned counsel for the applicant that applicant has suffered 45% permanent disability. He needs money, he has no source of income. The issue raised by the appellant - Insurance Company can be considered at the time of final hearing of the appeal. Considering these fact, I pass following order :

ORDER

- (i) The application is allowed.
- (ii) The applicant is permitted to withdraw Rs.10,00,000/- out of deposited amount along with accrued interest thereon on furnishing undertaking.

5. Interim Application is disposed of.

Digitally signed
by SONALI
SATISH
KILAJE
Date:
2023.12.12
14:26:45
+0530

(SHIVKUMAR DIGE, J.)