

IN THE HIGH COURT OF JUDICATURE AT BOMBAY**CIVIL APPELLATE JURISDICTION****INTERIM APPLICATION NO. 16711 OF 2023****IN****FIRST APPEAL NO.458 OF 2023**

Nivrutti Govind Jadhav

.... Applicant

IN THE MATTER OF :

Tata AIG General Insurance Co. Ltd.

... Appellant

Versus

Nivrutti Govind Jadhav and Anr.

.... Respondents

.....

Ms. Jacqueline D'Silva, Advocate for the Applicant

Mr. D. S. Joshi, Advocate for Respondents

CORAM : SHIVKUMAR DIGE, J.**DATE : 6th DECEMBER, 2023****P.C. :**

1. It is the contention of learned counsel for the applicant that applicant has permanently disabled in the accident, his both eyes turned blind due to accidental injuries. Applicant has no source of income. He requires amount for daily expenses, hence requested to allow the application.

2. It is the contention of learned counsel for appellant-Insurance Company that in Appeal the appellant -Insurance Company has raised the issue of involvement of vehicle as after the accident the applicant has

stated that he was dashed by Truck but after four months the motorcycle is involved. But this fact is not considered by the Tribunal and has awarded the compensation, hence requested to reject the application.

3. I have heard both the learned counsel. It is the contention of learned counsel for the applicant that due to the accidental injuries applicant's vision of both the eyes have gone. He has become blind. He has no source of income, he needs amount for daily expenses. The issue 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) Applicant is permitted to withdraw 30% amount along with accrued interest thereon, out of the deposited amount on furnishing usual undertaking.

4. The application is disposed off.

(SHIVKUMAR DIGE, J.)