

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

**INTERIM APPLICATION NO. 20605 OF 2022
IN
FIRST APPEAL NO. 980 OF 2022**

Sarika Sudhir Rawool

....Applicant

IN THE MATTER BETWEEN

New India Assurance Company Ltd.

....Appellant

Versus

Sarika Sudhir Rawool & Anr.

....Respondents

Mr. Amol Gatne i/b Swati U. Mehta, for the Applicant.

Mr. Rajesh Kanojia i/b Resjuris for the Appellant in FA/980/2022.

CORAM : S. G. DIGE, J.

DATE : 31st JANUARY, 2023.

P.C. :

1. Heard learned counsel for Applicant and learned counsel for Appellant.
2. The learned counsel for Applicant submit that applicant got injured in the accident. She has suffered 10% disability, she needs the amount for her daily expenses. Hence requested to allow the application.

3. The learned counsel for the Appellant/Respondent objected to allow the application on the ground that initially the FIR is in respect of the said accident was filed against the deceased husband of the applicant. This fact is not considered by the tribunal while awarding the compensation. The Respondent has challenged the impugned order by way of appeal. Hence requested to dismiss the application.

4. I have heard both learned counsel. Applicant is injured in the accident. She has got 10% disability in it, in the said accident her husband is also expired. She needs amount for her daily expenses. Hence, I pass following order.

ORDER

- i. Application is allowed. Application is permitted to withdraw 25% amount along with accrued interest there on out of deposited amount on furnishing undertaking application disposed of.

(S. G. DIGE, J.)