

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

INTERIM APPLICATION NO. 3349 OF 2023

IN

FIRST APPEAL (ST) 26634 OF 2022

Sarjerao Dattatray Patil & Ors.

....Applicants

Versus

Reliance General Insurance Co. Ltd.

....Respondents

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Mr. Abhaykumar Apte for the Applicants.

Ms. Shalini Shankar for the Respondent.

CORAM : SHIVKUMAR DIGE, J.

DATE : 3rd APRIL 2023.

P.C. :

1. Heard learned counsel for the applicants and learned counsel for the respondent.

2. It is contention of learned counsel for the applicant that the applicant has suffered 27% disability in the said accident, after the accident he is unable to do any work. He has lost his job, he has no source of income, he needs the amount for daily expenses and maintaining the family. Hence, requested to allow the application.

3. Learned counsel for the respondent/insurance company strongly objected to allow the application on the ground that the tribunal has considered Rs. 90,000/- per month as salary of claimant which is on higher side and without any evidence on record and on that basis exorbitant and excessive compensation is awarded. Hence, requested to dismiss the application.

4. I have heard both learned counsel, admittedly the applicant has suffered 27% disability in the said accident. He has sustained head injury and has lost his job due to said injury, he has no source of income, he needs the amount for daily expenses and maintaining family. The grounds raised by the respondent can be considered at the time of final hearing of the appeal and I pass following order.

ORDER

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

(SHIVKUMAR DIGE, J.)