IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

INTERIM APPLICATION NO. 1686 OF 2023

IN

FIRST APPEAL STAMP NO. 16941 OF 2022

Sudhanshu Sanjiv Joshi ...Applicant
Versus
HCFC CHUBB General Insurance Company Ltd., Mumbai ….Respondent

Ms Megha Pathak, i/b. Ms. Swapna Kode, Advocate for Applicant.
Mr. Sarthak S Diwan, Advocate for the Respondent-Insurance Company.

CORAM : SHIVKUMAR DIGE, J.

DATE : 5th APRIL, 2023.

P.C. :

1. Heard learned counsel for the applicant and learned counsel for respondent-Insurance Company.

2. It is the contention of learned counsel for the applicant that due to accidental injury, the applicant has suffered 35% disability. After the accident, the applicant is unable to do any work. He has lost his earning capacity. He requires the amount for his daily expenses. Hence, requested to allow the application.

3. Learned counsel for respondent- Insurance Company submits that the policy produced before the Tribunal was fake policy and the said issue was raised before the Tribunal but it was not considered. Hence, requested to dismiss the application.

4. I have heard both learned counsel. The applicant has suffered 35% disability in the accident. After the accident, the application is unable to do any work. He has no source of income, he needs the amount for his daily expenses. The grounds raised by the respondent-Insurance Company can be considered at the time of final hearing of the appeal. Hence, I pass the following order :

O R D E R

1. The application is allowed.
2. The applicant is permitted to withdraw the 25% amount along with accrued interest therein, out of the deposited amount, on furnishing usual undertaking.

The application is disposed of.

(SHIVKUMAR DIGE, J.)