

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

**INTERIM APPLICATION NO. 17857 OF 2023
IN
FIRST APPEAL NO. 991 OF 2023**

Santosh Baban Gorade

....Applicant

Versus

Reliance General Insurance Co. Ltd. & Anr.

....Respondents

Mr. Akshay Kulkarni for the Applicant.

Mr. Yogesh Pande for the Respondent No.1.

CORAM : SHIVKUMAR DIGE, J.

DATE : 13th DECEMBER, 2023.

P.C. :

1. Heard learned counsel for the Applicant and learned counsel for the Respondent No.1/Insurance Company.
2. Learned counsel for the Applicant submits that due to accident the claimant has suffered 85% injury, he is unable to do any work. He has no source of income. He needs the amount for daily expenses. Hence, requested to allow the Application.
3. It is contention of learned counsel for the Respondent No.1/Insurance Company that at the time of accident driver of offending vehicle was not holding effective and valid driving licence

but this fact is not considered by the tribunal. Hence, requested to reject the Application.

4. I have heard both learned counsel. Due to accident, the Applicant has suffered 85% permanent partial disability. He has no source of income, he is unable to do any work. He needs the amount for daily expenses. The issue raised by the learned counsel for the Respondent No.1/Insurance Company can be considered at the time of final hearing of the appeal. Hence, I pass following order.

ORDER

- i. The Application is allowed.
- ii. The Applicant is permitted to withdraw 50% amount out of deposited amount along with accrued interest thereon. On furnishing usual undertaking.

The application is disposed off.

(SHIVKUMAR DIGE, J.)