

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

**INTERIM APPLICATION NO.1149 OF 2023
IN
FIRST APPEAL NO.1379 OF 2022**

Sameer Salim Jivani ... Applicant
V/s.
Iffco Tokio General Insurance Company
Ltd. ... Respondent

Mr. Khanjan H. Joshi for Applicant.
Mr. Sarthak S. Diwan for the Respondent.

CORAM : SHIVKUMAR DIGE, J.

DATED : 30th MARCH, 2023

P.C.:

1. Heard learned counsel for the Applicant and learned counsel for the Respondent.
2. The learned counsel for the Applicant submits that the Applicant has suffered 27% disability in the said accident. Due to accidental injury, the Applicant is unable to do any work. He require amount for his daily expenses. Hence, requested to allow the application.
3. The learned counsel for the Respondent-Insurance Company strongly objected to allow the application on the ground that the Tribunal has considered the disability on higher side. The injury caused to the Applicant was simple in nature and those

injuries are united. But Tribunal has not considered this fact, and awarded the exorbitant and excessive compensation. Hence, requested to dismiss the application.

3. I have heard both the learned counsel.

4. Admittedly, the Applicant was injured in the accident and he has suffered 27% disability. He needs the amount for his daily expenses. Hence, I pass following order :-

O R D E R

- (i) Application is allowed.
- (ii) The Applicant is permitted to withdraw 30% amount along with accrued interest thereon out of deposited amount on furnishing undertaking.
- (iii) Application is disposed of.

(SHIVKUMAR DIGE, J.)