IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

INTERIM APPLICATION NO.1585 OF 2024

IN

FIRST APPEAL NO. 240 of 2020

Sunil Janu Kulye	…	Applicant
In the matter of		
HDFC ERGO General Insurance Co.Ltd. Through the Manager	….	Appellant
versus		
Sunil Janu Kulye and ors.	…	Respondents.

Mr. Niketan Nakhawa, Advocate for the Applicant.
Ms. Sweta Shah i/b. Mr. A. P. Kulkarni, Advocate for the Appellant.
Mr. Rajesh Kanojia i/b. Res Juris, Advocates for Respondent No.3.

CORAM : SHIVKUMAR DIGE, J.

DATE : 1st APRIL, 2024.

P.C. :

1. Heard learned counsel for the applicant, learned counsel for appellant-Insurance Company and learned counsel for respondent No.3.

2. Learned counsel for the applicant submitted that due to accidental injuries, the applicant has suffered 30% permanent physical disability. After the accident, the applicant is unable to do any work, he needs the amount for daily expenses. Hence, requested to allow the application.

3. Learned counsel for appellant - Insurance Company submitted that the policy produced on record by the applicant is a fake policy but this fact is not considered by the Tribunal, hence, requested to reject the application.

4. I have heard all learned counsel. The applicant has suffered 30% permanent physical disability. Due to accidental injuries, he is unable to do any work. He needs the amount for his daily expenses. The issue raised by the appellant-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 30% amount along with accrued interest therein, out of the deposited amount on furnishing usual undertaking.

The application is disposed of.

(SHIVKUMAR DIGE, J.)