

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
CIVIL APPLICATION NO.635 OF 2014
IN
FIRST APPEAL NO. 195 OF 2014

Ganpat Savala Lore	...	Applicant
In the matter of :		
Oriental Insurance Company Limited	...	Appellant
versus		
Ganpat Savala Lore and anr.		Respondents

Mr. Nimish S. Parakh i/b. Mr. Shrishailya S. Deshmukh, Advocate for Applicant/Respondent No.1.

Ms. Poonam Mital, Advocate for the Appellant.

CORAM : SHIVKUMAR DIGE, J.

DATE : 26th MARCH, 2024.

P.C. :

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

2. Learned counsel for the applicant submitted that the applicant has suffered 40% permanent disability due to accidental injury. Because of the disability, the applicant is not able to do any work. The applicant has no source of income, he needs the amount for his daily expenses. Hence, requested to allow the application.

**SHUBHADA
SHANKAR
KADAM**

3. Learned counsel for appellant- Insurance Company strongly objected to allow the application on the ground that no Doctor was examined to prove the disability of the claimant, the driver of the offending vehicle was not holding valid driving license. Hence, requested to reject the application.

4. I have heard both learned counsel. The applicant has suffered 40% permanent disability due to accidental injury. Because of the disability, the applicant is not able to do any work. The applicant has no source of income, 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 40% amount along with accrued interest therein, out of the deposited amount, on furnishing usual undertaking.

The application is disposed of.

(SHIVKUMAR DIGE, J.)