

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

INTERIM APPLICATION NO. 2122 OF 2024

IN

FIRST APPEAL (ST) NO. 35452 OF 2023

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Ushatai Sanjiv Bargir	...	Applicant
<u>In the matter between</u>		
Shriram General Insurance Company Limited	...	Appellant
versus		
Ushatak Sanjiv Bargir and Ors.		Respondents

Mr. Sarthak S. Diwan, Advocate for the Applicant in IA 2122 of 2024 and for Respondent No.1 in FAST 35452 of 2023.

Mr. Pandit Kasar, Advocate for Respondent -Insurance Company (Org. Appellant).

CORAM : SHIVKUMAR DIGE, J.

DATE : 25th APRIL, 2024.

P.C. :

1. By this Application, the Applicant is seeking to withdraw the amount.

2. It is contention of learned counsel for the Applicant that due to accidental injuries, the Applicant has suffered 75% permanent disability. Her right leg below knee has been amputated. The Applicant has no source of income. She needs the amount for daily expenses and medical expenses. Hence, requested to allow the application.

3. Learned counsel for the Respondent -Insurance Company submits that the vehicle involved in the accident is belongs to brother of the claimant, which has been falsely involved in this matter. The FIR is lodged after 21 days of the accident. But this fact has not been considered by the Tribunal. Hence, requested to reject the application.

4. I have heard both learned counsel. The applicant has suffered 75% permanent disability in the accident. Her right leg below knee has been amputated. She has no source of income. She needs the amount of daily expenses and medical expenses. The issue raised by the learned counsel for the Respondent -Insurance Company can be considered at the time of final hearing of the appeal. Hence, I pass the following order :

ORDER

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

The application is disposed of.

(SHIVKUMAR DIGE, J.)