

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

**INTERIM APPLICATION NO.7647 OF 2024
IN
FIRST APPEAL NO.1170 OF 2023**

Shri.Dipak Anand Patil & Ors. Applicants

V/s.

Reliance General Insurance Co. Ltd. Respondent

Mr.S.G. Thorat, for the Applicants.

Mr.T.R. Kale i/b Ms.Shalini Shankar, for Respondent.

CORAM : SHIVKUMAR DIGE, J.

DATE : 17th APRIL 2024

P.C:-

. Heard learned counsel for the Applicants and learned counsel for the Respondents.

2. By this Application, the Applicant is seeking withdrawal of the amount.

3. It is contention of the learned counsel for the Applicants submit that due to accidental injuries the Applicant has suffered 30% permanent physical disability. He has no source of income. He needs amount for daily expenses. Hence, requested to allow the Application.

4. The learned counsel for the Respondent has objected to allow the Application on the ground that accident has occurred due to sole negligence of the offending vehicle, but Tribunal has fixed liability on the driver and the Insurance Company, which is erroneous. The Tribunal should not have fixed the liability jointly and severally on driver and Insurance Company. Hence, requested to dismiss the Application.

5. I have heard both the learned counsel.

6. The Applicant has suffered 30% permanent physical disability. He needs amount for daily expenses. He has no source of income. The issue raised by the Respondent can be considered at the time of the final hearing. Hence, I pass following order.

ORDER

- (i) The Application is allowed.
- (ii) The Applicants are permitted to withdraw 50% amount along with accrued interest thereon on furnishing undertaking.

(SHIVKUMAR DIGE, J.)