

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
INTERIM APPLICATION NO. 8536 OF 2024
IN
FIRST APPEAL STAMP NO. 12747 OF 2019

Shantabai Jagannath Shedage	...	Applicant
In the matter of		
Bajaj Allianz General Insurance Co. Ltd. Pune.		Appellant
versus		
Shantabai Jagannath Shedage and ors.		Respondent

Ms. Manisha Devkar, Advocate for the Applicant.

Mr. Sarthak S. Diwan, Advocate for the Appellant-Insurance Company.

CORAM : SHIVKUMAR DIGE, J.

DATE : 9th MAY, 2024.

P.C. :

1. Heard learned counsel for the applicant and learned counsel for appellant-Insurance Company.
2. By this application, the applicant is seeking withdrawal of the amount. It is the contention of learned counsel for the applicant that due to accidental injuries, the applicant is unable to do any work. She has no source of income, she needs the amount for her daily expenses. Hence, requested to allow the application.
3. Learned counsel for appellant - Insurance Company strongly objected to allow the application on the ground that offending vehicle was falsely involved in the accident but this fact is not considered by the Tribunal. Hence, requested to reject the application.

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4. I have heard both learned counsel. The applicant was permitted to withdraw 25% amount by this Court but the applicant could not withdraw it as the amount was not deposited before the Tribunal within the stipulated time. As the applicant has suffered 25% permanent physical disability due to accidental injuries, she is unable to do any work. She has no source of income and she needs the amount for her daily expenses. The grounds raised by the appellant-Insurance 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 applicant is 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.)