

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
INTERIM APPLICATION NO.1748 OF 2024
IN
FIRST APPEAL STAMP NO. 23045 OF 2022**

Aziz Noor Mohammed Akhai	...	Applicant
In the matter of		
The New India Assurance Company	...	Appellant
versus		
Aziz Noor Mohammed Akhai and anr.		Respondents

Mr. Mehul P. Hartalkar i/b. Mr. Tejas P. Hartalkar, Advocate for the Applicant/Respondent No.1.

Ms. Poonam Mital, Advocate for the Appellant.

CORAM : SHIVKUMAR DIGE, J.

DATE : 1st MARCH, 2024.

P.C. :

1. Heard learned counsel for the applicant and learned counsel for appellant-Insurance Company.
2. Learned counsel for the applicant submitted that the applicant has suffered 30% permanent physical disability due to the accidental injuries. Because of the disability, he is unable to do any work. Hence, requested to allow the application.
3. Learned counsel for appellant - Insurance Company objected to allow the application on the ground that the disability certificate produced by the applicant is fake and false, there is only pain in both the

ankles of the applicant but the Tribunal has awarded compensation on higher side. Hence, requested to reject the application.

4. I have heard both learned counsel. It appears from the record that the applicant has suffered 30% permanent physical disability. The applicant needs the amount for his daily expenses. The issue raised by the learned counsel for 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 50% amount along with accrued interest therein, out of the deposited amount, on furnishing usual undertaking.

The application is disposed of.

(SHIVKUMAR DIGE, J.)