

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

INTERIM APPLICATION NO. 344 OF 2024

IN

FIRST APPEAL NO. 401 OF 2021

Omkar Dattatray Tawade

... Applicant

IN THE MATTER BETWEEN :

The Reliance General Insurance Co. Ltd.

... Appellant

Versus

Omkar Dattatray Tawade and Anr.

... Respondents

.....

Ms. Kavita Anchan i/b. Mr. Vishal A. Dhende, Advocate for the Applicant.

Ms. Kalpana R. Trivedi, Advocate for Appellant.

CORAM : SHIVKUMAR DIGE, J.

DATE : 16th JANUARY, 2024.**P.C. :**

1. Heard learned counsel for the applicant.
2. By this application, applicant is seeking withdrawal of amount. It is the contention of learned counsel for the applicant that applicant has suffered 90% disability. Due to accidental injuries, he has no source of income. He need the amount for daily expenses. Hence, requested to allow the application.
3. Learned Counsel for the Appellant/ Insurance Company strongly objected to allow the application, as monthly income of the applicant is considered on higher side and on that basis compensation is awarded, hence requested to reject the application.

This order corrected/modified as per speaking to minutes of order dated 8th February, 2024.

4. I have heard both the learned Counsel. The applicant has suffered 90% disability. Due to accidental injuries he has no source of income. He need the amount for daily expenses. The grounds raised by the appellant/Insurance Company can be considered at the time of final hearing of the appeal. Hence, Considering this fact, I pass following order :

ORDER

- (i) The application is allowed.
 - (ii) The applicant is permitted to withdraw 50% amount, out of the deposited amount of Rs. 18,87,105/- along with proportionate interest accrued thereon on furnishing usual undertaking.
5. The interim application is disposed off.

(SHIVKUMAR DIGE, J.)