

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

INTERIM APPLICATION NO. 1531 OF 2024

IN

FIRST APPEAL NO. 649 OF 2023

Sandeep D. Bhosale

....Applicant

IN THE MATTER BETWEEN

The Oriental Insurance Co. Ltd. Mumbai.

....Appellant

Versus

Sandeep D. Bhosale & Anr.

....Respondents

Mr. Niketan Nakhawa, Advocate for the Applicant/Respondent No.1.

Mr. D. S. Joshi, Advocate for the Appellant/Insurance Company.

CORAM : SHIVKUMAR DIGE, J.

DATE : 8th MAY, 2024.

P.C. :

1. By this application, Applicant is seeking withdrawal of the amount.

2. Learned counsel for the Applicant submits that Applicant has suffered 50% permanent physical disability due to accidental injuries. Applicant is unable to do any work. He has no source of

income. He needs the amount for his daily expenses. Hence, requested to allow the Application.

3. Learned counsel for the Respondent submits that the contract of insurance was void-ab-initio since the insurance policy was taken in the name of insured who was died almost a year before the date of insurance policy. Hence, requested to reject the Application.

4. I have heard both learned counsel.

5. Applicant has suffered 50% permanent physical disability. Applicant has no source of income. He 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 and, I pass following order:

ORDER

- i. Application is allowed.
- ii. Applicant is permitted to withdraw 30% amount, out of deposited amount along with accrued interest thereon, on furnishing undertaking.
- . The interim application stands disposed of.

(SHIVKUMAR DIGE, J.)