IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

INTERIM APPLICATION NO.6660 OF 2024
IN
FIRST APPEAL NO.1249 OF 2023

Sharayu Sanjay Kadam …. Applicant

V/s.

HDFC Ergo General Insurance Co. Ltd., Mumbai …. Respondent

Mr.Deepak S. Kilaje, for the Applicant.
Mr.Sarthak S. Diwan, for the Respondent.

CORAM : SHIVKUMAR DIGE, J.

DATE : 21st MARCH 2024

P.C:-

. Heard learned counsel for the Applicant and learned counsel for the Respondent.

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 Claimants has suffered 68% permanent physical disability. He is unable to

do any work. 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 disability is considered by the Tribunal is on higher side. The Claimant has already received amount under Mediclaim Policy. Hence, requested to dismiss the Application.

5. I have heard both the learned counsel.

6. The Applicant has suffered 68% 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 25% amount along with accrued interest thereon on furnishing undertaking.

(SHIVKUMAR DIGE, J.)