

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

**INTERIM APPLICATION NO. 6887 OF 2024
IN
FIRST APPEAL NO. 722 OF 2022**

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Bharat Mulchand Jain ...Applicant

IN THE MATTER BETWEEN

Reliance General Insurance Company
Limited, MumbaiAppellant

Versus

Bharat Mulchand Jain and Anr. ...Respondents

Ms. Ketki Gokhale i/b Mr. A. M. Gokhale, Advocate for the
Applicant/Respondent No.1.

Mr. Pandit Kasar, 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 70% 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 Appellant/Insurance Company submits that the Tribunal has considered monthly income of the Claimant at Rs.18,000/- per month without any evidence on record and, on that basis, compensation is awarded on higher side. Hence, requested to reject the Application.

4. I have heard both learned counsel.

5. Applicant has suffered 70% permanent physical disability but the Tribunal has considered 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.
- . Interim Application stands disposed of.

(SHIVKUMAR DIGE, J.)