

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

**INTERIM APPLICATION NO.7726 OF 2024
IN
FIRST APPEAL (ST) NO.24888 OF 2023**

Mihir Madhusudan Revandkar Applicants
Thr. Mother & Next Friend Madhuri
Madhusudan Revandkar & Ors.

V/s.

Reliance General Insurance Co. Ltd., Respondent
Mumbai

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Mr.T. J. Mendon, for the Applicants.

Ms.Pandit Kasar, for the Respondent.

Mr.Pradyumna Thakur-Desai i/b Mr.D.S. Joshi, for Respondent
No.4.

CORAM : SHIVKUMAR DIGE, J.

DATE : 17th APRIL 2024

P.C:-

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

2. It is contention of the learned counsel for the
Applicants submit that due to accidental injuries the Applicant
has suffered 100% permanent physical disability. He has lost his
both eyes in the accident. He is unable to do any work. He

needs amount for daily expenses and medical expenses. Hence, requested to allow the Application.

3. The learned counsel for the Respondent has objected to allow the Application on the ground that accident has occurred due to contributory negligence of the driver of car in which the Applicant was travelling, but the Tribunal has considered sole negligence of the driver of the offending vehicle, which is erroneous. Hence, requested to dismiss the Application.

4. I have heard both the learned counsel.

5. The Applicant has suffered disability in the accident. He needs amount for daily expenses and medical expenses. 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 40% amount along with accrued interest thereon on furnishing undertaking.

(SHIVKUMAR DIGE, J.)