

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

**INTERIM APPLICATION NO.7487 OF 2024
IN
FIRST APPEAL NO. 436 OF 2021**

Mr.Satish Purushottam Bhagwat & Anr. Applicants

V/s.

The New India Assurance Co. Ltd., Respondents
Thr. Mumbai Legal HUB, Mumbai

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Mr.S.R. Gupta, for the Applicants.
Mr.D.S. Joshi, for Respondent No.1.

CORAM : SHIVKUMAR DIGE, J.

DATE : 08th APRIL 2024

P.C:-

. Heard learned counsel for the Applicant and learned
counsel for Respondent No.1.

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, but Tribunal has
considered 39% permanent physical disability, which is on lower

side. Due to accidental injuries, 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 35% disability is considered by the Tribunal is on higher side without any evidence on record. Hence, requested to dismiss the Application.

5. I have heard both the learned counsel.

6. The Applicant has suffered 68% permanent physical disability due to accidental injuries. 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 50% amount along with accrued interest thereon on furnishing undertaking.

(SHIVKUMAR DIGE, J.)