

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

INTERIM APPLICATION NO. 7285 OF 2024
IN
FIRST APPEAL NO. 106 OF 2021

Shazneen Persey Khan

....Applicant

IN THE MATTER BETWEEN

The Reliance General Insurance Co. Ltd.

....Appellant

Versus

Shazneen Persey Khan & Anr.

....Respondents

Mr. Jitendra Gor, Advocate for the Applicant/Respondent Nos.1 & 2.

Ms. Kalpana Trivedi, Advocate for the Appellant.

CORAM : SHIVKUMAR DIGE, J.

DATE : 2nd APRIL, 2024.

P.C. :

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

2. It is contention of learned counsel for the Applicant that due to accidental injuries Applicant has suffered 35% permanent physical disability. Due to injuries Applicant has been divorced by her husband. Applicant has no source of income, she required the amount for her daily expenses. Hence, requested to allow the Application.

3. Learned counsel for the Appellant/Insurance Company strongly objected to allow the Application on the ground that the Applicant has received amount under Mediclaim Policy but the said amount has not been deducted by the Tribunal. Hence, requested to reject the Application.

4. I have heard both learned counsel for the Applicant has suffered 35 % permanent physical disability. She has been divorced by her husband because of disability. She has no source of income. She needs the amount for her daily expenses. The issue raised by the learned counsel for the Respondent can be considered at the time of final hearing of the appeal.

5. In view of above, I pass following order.

ORDER

- i. Application is allowed.
 - ii. The Applicant is permitted to withdraw 60% amount, out of deposited amount along with accrued interest thereon, on furnishing undertaking.
- . Interim Application stands disposed of.

(SHIVKUMAR DIGE, J.)