

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

INTERIM APPLICATION NO. 7050 OF 2024
IN
FIRST APPEAL (ST) NO. 32702 OF 2023

Sunil Jagan Nankar Thr. Next Friend

Mrs. Suvarna Sunil Nankar

....Applicant

Versus

ICICI Lombard General Insurance Co. Ltd.

....Respondent

Smt. Varsha Chavan, Advocate for the Applicant.

Mr. Shirshak Chavanke, Advocate for the Respondent No.1.

CORAM : SHIVKUMAR DIGE, J.

DATE : 27th MARCH, 2024.

P.C. :

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

2. Learned counsel for the Applicant submits that due to accidental injuries, Applicant has suffered 100% permanent physical disability. Applicant he is unable to do any work, he is bed ridden. 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 Respondent/Insurance Company

strongly objected to allow the Application, on the ground that accident occurred due to sole negligence of the Claimant. There is no 100% permanent psychical disability suffered by the Claimant. Hence, requested to reject the Application.

4. I have heard both learned counsel.

5. Due to accidental injuries, the Applicant has loss his memory and vision of right eye has been lost and his hearing capacity of right ear has been lost. He needs the amount for his daily expenses. He is unable to do any work. The issue raised by the learned counsel for the Respondent/Insurance Company can be considered at the time of final hearing.

6. 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 through next friend.

(SHIVKUMAR DIGE, J.)