

IN THE HIGH COURT OF JUDICATURE AT BOMBAY**CIVIL APPELLATE JURISDICTION****INTERIM APPLICATION NO. 7222 OF 2024****IN****FIRST APPEAL STAMP NO. 28681 OF 2023**

Avinash Chandrakant Parab

... Applicant

IN THE MATTER OF :

Reliance General Insurance Co. Ltd.

... Appellant

Versus

Avinash Chandrakant Parab and Anr.

... Respondents

Mr. Vasant N. More, Advocate for the Applicant.

Mr. T. R. Kale i/b. Ms. Shalini Shankar, Advocate for Appellant.

CORAM : SHIVKUMAR DIGE, J.**DATE : 4th APRIL, 2024.****P.C. :**

1. By this application, applicant is seeking withdrawal of amount.
2. It is contention of learned counsel for the applicant that the applicant has suffered 45% permanent physical disability. Due to accidental injuries applicant has no source of income. Applicant needs the amount for daily expenses. Hence, requested to allow the application.
3. Learned counsel for appellant-Insurance Company strongly objected on the ground that the cheque which was issued as a premium of insurance policy was dishonored. The policy was canceled. The disability of the applicant was not proved before the Tribunal but this facts is not

considered by the Tribunal. Hence requested to reject the application.

4. I have heard both the learned counsel. Applicant has suffered disability due to accidental injuries. He is unable to do any work. He has no source of income. The grounds raised by the appellant-Insurance Company can be considered at the time of final hearing of the appeal and I pass following order.

ORDER

(i) The application is allowed.

(ii) The applicant is permitted to withdraw the 30% amount out of deposited amount along with accrued interest thereon on furnishing usual undertaking.

5. The application is disposed of.

(SHIVKUMAR DIGE, J.)

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