

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

INTERIM APPLICATION NO. 7697 OF 2024
IN
FIRST APPEAL (ST) NO. 12281 OF 2023

Rohit Jayaraj MenonApplicant

In the matter between

Reliance General Insurance Co. LtdAppellant

Versus

Rohit Jayaraj Menon and Anr.Respondents

Ms. Varsha Chavan, Advocate for the Applicant and Advocate for the
Respondent No. 1.

Mr. Akshay Kulkarni, Advocate for the Appellant/Insurance Co.

CORAM : SHIVKUMAR DIGE, J.

DATE : 19th APRIL, 2024.

P.C. :

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

2. It is contention of the learned counsel for the Applicant that
due to accidental injuries, the Applicant has suffered 76% permanent
physical disability. Applicant has no source of income, he needs the

amount for his daily expenses. Hence requested to allow the Application.

3. Learned counsel for Appellant – Insurance Company strongly objected to allow the Application on the ground that at the time of accident, the driver of offending vehicle was not holding effective and valid driving licence. It was proved before the Tribunal in spite of that the Tribunal has passed pay and recovery order, which is erroneous. Hence requested to reject the Application.

4. I have heard both the learned counsel.

5. Applicant has suffered 76% permanent physical disability. He has no source of income. He needs the amount for his daily expenses. The issued raised by learned counsel for Respondent/Insurance Company can be considered at the time of final hearing of the Appeal and, I pass by following order.

ORDER

- (i) Application is allowed.
- (ii) The Applicant is permitted to withdraw 50% amount out of deposit amount along with accrued interest thereon, on furnishing undertaking.

The Application stands disposed off.

(SHIVKUMAR DIGE, J.)