

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

**INTERIM APPLICATION NO. 8174 OF 2024
IN
FIRST APPEAL NO. 133 OF 2024**

Rashila Sitaram GimbhalApplicant

IN THE MATTER BETWEEN

HDFC ERGO General Insurance Co. Ltd.Appellant

Versus

Rashila Sitaram Gimbhal & Anr.Respondents

Ms. Neha Deshmukh i/b Mr. Shirshak Chavanke, Advocate for the
Applicant/Respondents.

Ms. Sweta Shah a/w Mr. Gaurav Sahane, Advocate for the
Appellant/Insurance Company.

CORAM : SHIVKUMAR DIGE, J.

DATE : 30th 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 12% permanent
physical disability. Applicant needs the amount for daily expenses and

medical treatment. Hence, requested to allow the Application.

3. Learned counsel for the Appellant/Insurance Company submits that Applicant was pillion rider of motorcycle and there were four pillion rider on the motorcycle. There was contributory negligence of the Applicant in the said accident. Hence, requested to reject the Application.

4. I have heard both learned counsel.

5. Applicant has suffered 12% permanent physical disability in the accident. He needs the amount for daily expenses and medical treatment. The issue raised by the learned counsel for the Appellant/Insurance Company can be considered at the time of final hearing of the Appeal and, I pass following order;

ORDER

- i. Application is allowed.
- ii. The Applicants is permitted to withdraw 30% amount out of deposited amount along with accrued interest thereon, on furnishing undertaking.

. The application, stands disposed of.

(SHIVKUMAR DIGE, J.)