

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

INTERIM APPLICATION NO.17837 OF 2023

IN

FIRST APPEAL NO. 1116 OF 2022

Bharat Sakharam Parab ... Applicant
In the matter of :
National Insurance Company Limited ... Appellant
Versus
Bharat Sakharam Parab and Anr. ... Respondents

Ms. Priyanka Dable along with Ms.Pramila Sathe, Advocates for Applicant.

Ms. S. S. Dwivedi, Advocate for the Appellant.

CORAM : SHIVKUMAR DIGE, J.

DATE : 22nd JANUARY, 2024.

P.C. :

1. Heard learned counsel for the applicant and learned counsel for appellant -Insurance Company.
2. Learned counsel for the applicant submitted that applicant has suffered 20% permanent physical disability in the accident. He has no source of the income, he needs the amount for his daily expenses. Hence, requested to allow the application.
3. Learned counsel for appellant- Insurance Company submitted that Tribunal has awarded income on higher side and on that basis, compensation is awarded. Hence, requested to reject the application.
4. I have heard both learned counsel. The applicant has suffered 20% permanent physical disability in the accident. He has no source of

income, he needs the amount for daily expenses. The issue raised by learned counsel for appellant-Insurance Company can be considered at the time of final hearing of the appeal. Hence, I pass the following order :

O R D E R

1. The application is allowed.
2. The applicant is permitted to withdraw 25% amount along with accrued interest therein, out of the deposited amount, on furnishing usual undertaking.

The application is disposed of.

(SHIVKUMAR DIGE, J.)