

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

INTERIM APPLICATION NO. 17986 OF 2023

IN

FIRST APPEAL STAMP NO. 98668 OF 2020

Shankar Nivrutti Velhal

... Applicant

IN THE MATTER BETWEEN

Divisional Manager, The New India Insurance Co.
Ltd.

... Appellant

Versus

Shankar Nivrutti Velhal and Ors.

... Respondents

.....

Mr. P. K. Bohade, Advocate for Applicant.

Mr. Rajesh Kanojiya a/w. Ms. Siddhi Sawant i/b. Res Juris, Advocate for
Appellant in FA(St.) No. 98668/2020.

CORAM : SHIVKUMAR DIGE, J.

DATE : 3rd JANUARY, 2024.

P.C. :

1. Heard learned counsel for the applicant.
2. Learned counsel for the applicant submits that applicant has suffered 25% permanent disability, due to accidental injury applicant has no source of income. He needs amount for daily expenses, hence requested to allow the application.
3. Learned counsel for appellant/Insurance Company submits that initially the application was filed under Section 163A of Motor Vehicles Act but the Tribunal has decided it under Section 166 of Motor Vehicles Act which is not proper, hence requested to reject the application.

4. I have heard both the learned counsel. The applicant has suffered 25% permanent disability due to accidental injury. He has no source of income. The issue raised by the appellant can be considered at the time of final hearing of the appeal. Hence, considering this fact, I pass following order:

ORDER

- i. The application is allowed.
 - ii. The applicant is permitted to withdraw the 25% amount out of deposited amount along with accrued interest thereon on furnishing usual undertaking.
5. The application is disposed of.

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(SHIVKUMAR DIGE, J.)