

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY**  
**CIVIL APPELLATE JURISDICTION**  
**INTERIM APPLICATION NO.7067 OF 2024**  
**IN**  
**FIRST APPEAL NO. 1307 OF 2023**

|                                    |      |             |
|------------------------------------|------|-------------|
| Rajesh Ramkrushna Kambli           | ...  | Applicant   |
| In the matter of :                 |      |             |
| Oriental Insurance Company Limited | ...  | Appellant   |
| versus                             |      |             |
| Rajesh Ramkrushna Kambli and anr.  | .... | Respondents |

Mr. Deepak S. Kilaje, Advocate for Applicant/Respondent No.1.  
Ms. S. S. Dwivedi, Advocate for the Appellant.

**CORAM : SHIVKUMAR DIGE, J.**

**DATE : 26<sup>th</sup> MARCH, 2024.**

**P.C. :**

1. Heard learned counsel for the applicant and learned counsel for the appellant-Insurance Company.
2. Learned counsel for the applicant submitted that the applicant has suffered 65% permanent disability. Because of the disability, the applicant is not able to do any work. The 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 submitted that, at the time of the accident, the driver of the offending vehicle was

**SHUBHADA  
SHANKAR  
KADAM**

carrying driving license of two-wheeler motorcycle, whereas he was driving four-wheeler but this fact is not considered by the Tribunal. Hence, requested to reject the application.

4. I have heard both learned counsel. The applicant has suffered 65% permanent disability. Because of the disability, the applicant is not able to do any work. The applicant has no source of income, he needs the amount for his daily expenses. The issue raised by the appellant-Insurance Company can be considered at the time of final hearing of the appeal. Hence, I pass the following order :

**ORDER**

1. The application is allowed.
2. The applicant is permitted to withdraw 50% amount along with accrued interest therein, out of the deposited amount, on furnishing usual undertaking.

The application is disposed of.

**(SHIVKUMAR DIGE, J.)**