

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

INTERIM APPLICATION NO. 8311 OF 2024

IN

FIRST APPEAL NO. 2642 OF 2006

Ashok Ramchandra Chavan

... Applicant

In the matter of

The New India Assurance Co. Ltd.

... Appellant

Versus

Ashok Ramchandra Chavan and Anr.

... Respondents

Ms. Rina Kundu, Advocate for Applicant.

Mr. Devendranath S. Joshi, Advocate for the Appellant.

CORAM : SHIVKUMAR DIGE, J.

DATE : 6th MAY, 2024P.C. :

1. By this application, applicant is seeking withdrawal of amount.
2. It is contention of learned counsel for the applicant that due to accidental injuries claimant has suffered 35% injuries. The claimant needed the amount for his daily expenses, as due to disability, he is unable to do any work. Hence, requested to allow the application.
3. It is contention of learned counsel for the appellant-Insurance Company that accident occurred due to sole negligence of the claimant but this fact is not considered by the Tribunal, hence requested to reject the application.

4. I have heard both the learned counsel. Due to accidental injuries the claimant has suffered 35% disability. The issue raised by the appellant- Insurance Company 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 applicants are permitted to withdraw Rs.1,00,000/- out of deposited amount along with accrued interest thereon on furnishing usual undertaking.
5. The Interim application is disposed off.

(SHIVKUMAR DIGE, J.)