

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
INTERIM APPLICATION NO. 11494 of 2024
in
FIRST APPEAL STAMP NO. 10940 OF 2024

Pinto Kallu Sharma Applicant
In the matter of
Reliance General Insurance Co.Ltd., Mumbai ... Appellant
versus
Pinto Kallu Sharma and ors. Respondents

Mr. S. R. Gupta, Advocate for Applicant.
Ms. Shalini Shankar, Advocate for the Appellant-Insurance Company.

CORAM : SHIVKUMAR DIGE, J.

DATE : 28th NOVEMBER, 2024.

P.C. :

1. Heard learned counsel for the applicant and learned counsel for appellant-Insurance Company.
2. By this application, the applicant is seeking withdrawal of the amount. Learned counsel for the applicant submits that due to accidental injuries, the applicant has suffered 50% permanent physical disability. The applicant was a driver. As both legs of the applicant are injured due to the accidental injury, he is unable to do any work, he needs the amount for his daily expenses and medical expenses. Hence, requested to allow the application.

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3. Learned counsel for appellant - Insurance Company strongly objected to allow the application on the ground that the compensation is awarded on higher, no disability is proved before the learned Tribunal but this fact is not considered by the Tribunal and has awarded compensation, which is erroneous. Hence, requested to reject the application.

4. I have heard both learned counsel. The applicant has suffered disability due to accidental injuries. The applicant is unable to do any work, he needs the amount for his daily expenses and medical expenses. The grounds raised by the appellant-Insurance 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 40% amount along with accrued interest therein, out of the deposited amount on furnishing usual undertaking.

The application is disposed of.

(SHIVKUMAR DIGE, J.)