

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

INTERIM APPLICATION NO.12386 OF 2024

IN

FIRST APPEAL NO. 1370 of 2024

Dnyaneshwar alias Vikas Balu Khomane and ors ... Applicant

In the matter of

Bajaj Allianz General Insurance Company ... Appellant
Ltd.,Pune

versus

Dnyaneshwar alias Vikas Balu Khomane and ors. Respondents

Mr. Rohan Mahadik with Ms. Mekhala More i/b. The Juris Partners,
Advocate for Applicant/Respondent No.1.

Ms. Snehal Jadhav i/b. Mr. S. S. Diwan, Advocate for the Appellant.

CORAM : SHIVKUMAR DIGE, J.

DATE : 18th 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 80% permanent disability. Due to the disability, he is unable to do any work. He has no source of income, he needs the amount for his daily expenses and medical expenses. Hence, requested to allow the application.

3. Learned counsel for appellant - Insurance Company strongly objected to allow the application. It is the contention of learned counsel for the appellant-Insurance Company that initially an FIR was registered against an unknown vehicle and thereafter the offending vehicle was shown as vehicle involved in the accident but this fact is not considered by the Tribunal. Hence, requested to reject the application.

4. I have heard both learned counsel. Due to accidental injuries, the applicant has suffered 80% permanent disability. The applicant has no source of income, 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 :

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.)