

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE SIDE JURISDICTION
INTERIM APPLICATION NO. 12953 OF 2024
IN
FIRST APPEAL NO. 120 OF 2024

Vitthal Nivrutti Shine and Anr. Applicants

IN THE MATTER BETWEEN

Bajaj Allianz General Insurance Co. Ltd. Pune. Appellant

Versus

Vitthal Nivrutti Shine and Anr. Respondents

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Mr. Pradeep Gole a/w Mr. Suraj Shejwal, for the Applicant.
Mr. Sarthak Diwan, for the Appellant/Insurance Company.

CORAM : SHIVKUMAR DIGE, J.

DATE : 18th DECEMBER, 2024.

P.C. :

1. By this application, Applicant is seeking withdrawal of the amount.
2. It is contention of learned counsel for the Applicant that due to accidental injuries applicant has suffered 59% permanent physical disability. He has no source of income. He needs the amount for his daily expenses and medical expenses. Hence, requested to allow the application.

3. It is contention of learned counsel for the Appellant/Insurance Company that accident occurred due to contributory negligence of the deceased but this fact is not considered by the Tribunal. Hence, requested to reject the application.

4. I have heard both learned counsel.

5. Applicant has suffered 59% permanent physical disability. He has no source of income. He needs the amount for his daily expenses and medical expenses. The issue raised by the learned counsel for the Appellant/Insurance Company can be considered at the time of final hearing of Appeal.

6. In view of above, I pass following order:

ORDER

- i. Application is allowed.
- ii. The applicants are permitted to withdraw 50% amount, out of deposited amount along with accrued interest thereon, by usual furnishing undertaking.

The Application stands disposed of.

(SHIVKUMAR DIGE, J.)