

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
INTERIM APPLICATION NO. 14951 of 2024
in
FIRST APPEAL NO. 283 of 2024**

Amit Kumar Ram Chandra Singh Applicant
In the matter of
Reliance General Insurance Co.Ltd. ... Appellant
versus
Amit Kumar am Chandrasingh and anr. Respondents

Mr. Jitendra Gor along with Ms. Yashika Jain, Advocate for
Applicant/Respondent No.1.
Ms. Shalini Shankar, Advocate for the Applicant/Appellant.

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 permanent physical 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 on the ground that the Tribunal has awarded Rs.2,00,000/- for loss of income without any evidence on record, which is higher side. No evidence is produced on record to prove the disability of the applicant. Hence, requested to reject the application.

4. I have heard both learned counsel. The applicant has suffered disability due to accidental injuries. 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 applicants are permitted to withdraw 25% amount along with accrued interest therein, out of the deposited amount on furnishing usual undertaking.

The application is disposed of.

(SHIVKUMAR DIGE, J.)