

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
INTERIM APPLICATION NO. 13354 of 2024
in
FIRST APPEAL NO. 357 of 2024**

Dineshkumar Mishrilal Vaishnav ... Applicant
In the matter of
The National Insurance Co. Ltd. ... Appellant
versus
Dineshkumar Mishrilal Vaishnav and ors. Respondents

Mr. Avesh Ghadge i/b. Mr. Akshay Kulkarni, Advocate for the Applicant/Respondent No.1.
Ms. Shalini Shankar, Advocate for the Appellant-Insurance Company.

CORAM : SHIVKUMAR DIGE, J.

DATE : 13th JANUARY, 2025.

P.C. :

1. Heard learned counsel for the applicant and learned counsel for appellant-Insurance Company.
2. Learned counsel for the applicant submits that due to accidental injury, the applicant has suffered 30% permanent disability. The applicant has no source of income, he needs the amount for daily 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 disability of the applicant is not properly proved before the Tribunal. The Tribunal has

awarded compensation on higher side. Hence, requested to reject the application.

4. I have heard both learned counsel. Due to accidental injuries, the applicant has suffered 30% permanent physical disability. The applicant has no source of income, he needs the amount for his daily 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 25% amount along with accrued interest therein, out of the deposited amount on furnishing usual undertaking.

The application is disposed of.

(SHIVKUMAR DIGE, J.)