

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY****CIVIL APPELLATE JURISDICTION****INTERIM APPLICATION NO. 523 OF 2025****IN****FIRST APPEAL (ST) NO. 2638 OF 2024**

Anant Balu Pawase

... Applicant

Versus

Magma HDI General Insurance Company Ltd.

... Respondent

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Mr. Vasant N. More, Advocate for Applicant.

Mr. Pandit Kasar, Advocate for Respondent-Insurance Company.

**CORAM : SHIVKUMAR DIGE, J.****DATED : 15<sup>th</sup> JANUARY, 2025.****P.C. :**

1. By this application, applicant is seeking withdrawal of amount.
2. Learned counsel for the applicant submits that due to accidental injury claimant/applicant has suffered partial permanent disability. He has no source of income, he need the amount for daily expenses hence requested to allow the application.
3. Learned counsel for respondent- Insurance Company strongly objected to allow the application on the ground that no offending vehicle was involved in the accident. Only to grab the compensation, offending vehicle is involved in the accident but this fact is not considered by the Tribunal, hence requested to reject the application.

4. I have heard both the learned counsel. The Tribunal has held Insurance company liable to pay compensation. Whether it is correct or not can be considered at the time of final hearing of the appeal and I pass following order.

**ORDER**

- (i) The application is allowed.
- (ii) The applicant is permitted to withdraw the 25% amount out of deposited amount along with accrued interest thereon on furnishing usual undertaking.

5. Interim application is disposed of.

**( SHIVKUMAR DIGE, J.)**