

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
INTERIM APPLICATION NO. 14452 of 2024
in
FIRST APPEAL NO. 1185 OF 2024

Ibrahim Nazim Taj And Anr. ... Applicant

In the matter :

Bajaj Allianz General Insurance Co.ltd., Mumbai ... Appellant
Thr.the Manage

versus

Ibrahim Nazim Taj And Anr. Respondents

Ms. Priyanka Lanke i/b. Mr. Nitesh V. Bhutekar, Advocate for the Applicant.

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

CORAM : SHIVKUMAR DIGE, J.

DATE : 24th JANUARY, 2025.

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 the applicant has suffered 60% permanent physical disability due to accidental injuries. The applicant has no source of income, he needs the amount for his 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 driver of the offending vehicle was not holding effective and valid driving license and income of the applicant is considered on higher side. Hence, requested to reject the application.

4. I have heard both learned counsel. The applicant has suffered 50% permanent physical disability due to accidental injuries. 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 :

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.)