IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

INTERIM APPLICATION NO. 1050 OF 2025
IN
FIRST APPEAL NO. 1470 OF 2024

Vishal Balaso Yadav … Applicant
Versus
ICICI Lombard General Insurance Co. Ltd. … Respondent

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Mr. Bhushan Walimbe, Advocate for the Applicant.
Mr. Rajesh Kanojia, Advocate for Respondent-Insurance Company.

CORAM : SHIVKUMAR DIGE, J.
DATED : 28th JANUARY, 2025.

P.C. :

1. Heard learned counsel for the applicants and learned counsel for respondent -Insurance Company.

2. Learned counsel for the applicants submits that due to accidental injuries, applicant has suffered 30% permanent physical disability. The applicant has no source of income. The applicant need the amount for daily expenses and medical expenses, hence requested to allow the application.

3. Learned counsel for respondent - Insurance Company strongly objected to allow the application on the ground that the applicant is claiming of the offending truck whereas his brother was driver. The applicant should have filed application under Workmen Compensation Act

but it was filed under Section Motor Accident Claims Tribunal Act. Learned counsel further submitted that injury sustained to the applicant shows that at the time of accident he was driving the vehicle. Learned counsel further submitted that it appears from the record that applicant was planted as cleaner but these facts are not considered by the Tribunal, hence requested to reject the application.

4. I have heard both learned counsel. Due to accidental injuries, applicant has suffered permanent physical disability. The applicant has no source of income. The grounds raised by the respondent-Insurance can be considered at the time of final hearing of the appeal. Hence, I pass the following order :

O R D E R

(i) The application is allowed.

(ii) The applicant is permitted to withdraw 20% amount along with accrued interest therein, out of the deposited amount on furnishing usual undertaking.

5. The interim application is disposed of.

(SHIVKUMAR DIGE, J.)