

IN THE HIGH COURT OF JUDICATURE AT BOMBAY**CIVIL APPELLATE JURISDICTION****INTERIM APPLICATION NO. 1155 OF 2025****IN****FIRST APPEAL STAMP NO. 30857 OF 2024**

Mehboob Alam Mohammed Naim

... Applicant

Versus

ICICI General Insurance Co. Ltd.

... Respondent

.....

Mr. Vinayak Shelar a/w. Mr. Bharat Gadhavi, Advocates for Applicant.
Smt. Varsha Chavan, Advocate for the Respondent.

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

1. Leave to file Vakalatnama.

2. By this application, applicant is seeking withdrawal of amount.

It is the contention of learned counsel for the applicant that applicant has suffered 58% permanent partial disability. The applicant has no source of income. He need the amount for daily expenses, hence, requested to allow the application.

3. Learned Counsel for the respondent- Insurance Company strongly objected to allow the application on the ground that the disability is inflated by Dr. Khanna who has given the permanent partial disability. The income of the claimant is considered on higher side, hence requested to reject the application.

4. I have heard both the learned Counsel. Due to accidental injuries the applicant has no source of income. He need the amount for daily expenses. The grounds raised by the respondent-Insurance Company can be considered at the time of final hearing of the appeal. Hence, considering this fact, 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. The interim application is disposed off.

(SHIVKUMAR DIGE, J.)