

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

INTERIM APPLICATION NO. 6809 OF 2025

IN

FIRST APPEAL NO. 1215 OF 2025

Sabadul Miyan S/o. Hafij Miyan

... Applicant

IN THE MATTER OF

Cholamandalam General Insurance Co. Ltd.

... Appellant

Versus

Sabadul Miyan S/o. Hafij Miyan And Ors.

... Respondents

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Mr. T.R.Kale i/b. T. J. Mendon, Advocate for Applicant

Mr. Aditya Ghadge i/b. S.S.Diwan, Advocate for the Appellant.

CORAM : SHIVKUMAR DIGE, J.

DATED : 4th JULY, 2025.

P. C. :

1. By this application, applicant is seeking withdrawal of amount.
2. It is the contention of learned counsel for the applicant that due to accidental injuries the applicant has suffered 100% permanent physical disability. The applicant has no source of income, hence requested to allow the application.
3. Learned counsel for appellant - Insurance company strongly objected to allow the application on the ground that no employer and employee relationship was proved before the Tribunal. The Tribunal has considered disability on higher side, hence requested to reject the application.

4. I have heard both the learned counsel. The applicant has suffered permanent physical disability. He needs the amount for medical expenses and daily expenses. He has no source of income. The issue raised by the appellant- 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 30% amount out of deposited amount along with accrued interest thereon on out of deposited amount on furnishing usual undertaking.
5. The Interim application is disposed of.

(SHIVKUMAR DIGE, J.)