

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

INTERIM APPLICATION NO. 7175 OF 2025

IN

FIRST APPEAL(ST) NO. 25630 OF 2024

Bhargavi Bharat Nachanekar

... Applicant

In the matter of

The New India Assurance Company

... Appellant

Versus

Bhargavi Bharat Nachanekar And Anr.

... Respondents

.....

Mr. T. J. Mendon, Advocate for Applicant.

Ms. Poonam Mital, Advocate for the Appellant.

CORAM : SHIVKUMAR DIGE, J.

DATED : 24th JUNE, 2025.

P. C. :

1. By this application, the 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 54% permanent physical disability. The applicant needs the amount for daily expenses and medical expenses, hence requested to allow the application.
3. Learned counsel for the appellant- Insurance company strongly objected to allow the application on the ground that the policy produced on record is different from the policy of offending vehicle. The cheque which was issued as a premium of insurance policy, was dishonored and

Tribunal has awarded compensation on higher side, hence requested to reject the application.

4. I have heard both the learned counsel. Due to accidental injuries the applicant has suffered 54% permanent physical disability. She needs the amount for daily expenses and medical expenses. The grounds raised by the 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.

SONALI
SATISH
KILAJE

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by SONALI
SATISH KILAJE
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(SHIVKUMAR DIGE, J.)