

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

INTERIM APPLICATION NO. 7178 OF 2025

IN

FIRST APPEAL (ST) NO. 25627 OF 2024

Bharat Tukaram Nachanekar & Anr.

....Applicants

V/s.

**The New India Assurance
Company Thr.Legal Hub**

....Respondent

Mr. Punam Mital, Advocate for Applicants.

Mr. T. J. Mendon, Advocate for the Respondent.

CORAM : SHIVKUMAR DIGE, J.

Date : 23 JUNE, 2025.

PC. :

- 1) Heard learned counsel for the Applicant and learned counsel for the Respondent.
- 2) By this Application, Applicants are seeking withdrawal of the amount.
- 3) The learned counsel for Applicant submits that due to accidental injuries. The Applicant has suffered 40% permanent physical disability. Applicant needs amount for daily expenses and medical expenses. Hence. Requested to allow the Application.

4) The learned counsel for Respondent 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.

5) I have heard both the learned counsel.

6) Due to accidental injuries, the Applicant has suffered 40% permanent disability. He needs the amount for daily expenses and medical expenses. The issue raised by learned counsel for the Respondent can be considered at the time of final hearing of the Appeal. Hence. I pass the following order.

ORDER

(i) The Application is allowed.

(ii) The Applicants are permitted to withdraw 30% amount along with accrued interest thereon on furnishing undertaking.

[SHIVKUMAR DIGE, J.]