

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

INTERIM APPLICATION NO.8838 OF 2025

IN

FIRST APPEAL (ST) NO. 2182-2025

Shri Shaju Ouseph And Anr.

....Applicant

Versus

The Manager The New India
Assurance Co. Ltd.& Ors.

....Respondents

Ms. Karishma Zaveri i/b Navdeep Vora & Associates, Advocate for
the Applicant.

Mr. Sanjay Ghaisas, Advocate for the Respondent No.1.

Smt. Varsha Chavan i/b S. S. Thakur, Advocate of Respondent No.2.

CORAM : SHIVKUMAR DIGE, J.

DATE : 17th JUNE, 2025.

P.C. :

1. Heard learned counsel for the Applicant and learned
counsel for Respondent.

2. By this Application, the Applicant is seeking withdrawal of
the amount.

3. It is contention of the Applicant has suffered 50%
permanent physical disability. They have no source of income. The
Applicants needs the amount for their daily expenses and for

educational expenses of his two daughters. They have no source of income. Hence, requested to allow the Application.

4. It is contention of the learned counsel for the Respondent - Insurance Company strongly objected to allow the Application as the accident occurred due to sole negligence of the deceased and income of deceased considered on higher side. Hence, requested to reject the Application.

5. I have heard both learned counsel.

6. The Applicant has suffered 50% permanent physical disability. He needs amount for daily expenses and for educational expenses of his two daughters. He has no source of income. The issue raised by the Respondent can be considered at the time of the final hearing. Hence, I pass 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.)