

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

INTERIM APPLICATION NO.9044 OF 2025
IN
FIRST APPEAL NO.829 OF 2025

Bhagwandas Radhesham Gupta Applicant

V/s.

Mr.Dinesh Dashrath Vagmode & Anr. Respondents

Mr.Deepak S. Kilaje, for the Applicant.

Ms.Shalini Shankar for the Appellant in FA No.829 of 2025 and
for the Respondent No.2 in IA No.9044 of 2025.

CORAM : SHIVKUMAR DIGE, J.

DATE : 09th JULY 2025

P.C:-

. Heard learned counsel for the Applicant and learned
counsel for Respondent No.1.

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

3. It is contention of the learned counsel for the
Applicants submit that, due to accidental injuries the Claimants
has suffered 40% permanent physical disability. He is unable to
do any work. He has no source of income. He needs amount for

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medical and daily expenses. Hence, requested to allow the Application.

4. The learned counsel for the Respondent has objected to allow the Application on the ground that, the cheque was dishonored which was given as a premium of the policy. At the time of the accident, Insurance Policy was not in existence. Hence, requested to dismiss the Application.

5. I have heard both the learned counsel.

6. The Applicant has suffered 40% permanent physical disability. He has no source of income. He needs amount for medical and daily expenses. 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.)