

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
INTERIM APPLICATION NO. 9875 OF 2025
IN
FIRST APPEAL NO. 443 OF 2024

Sachin Shashikant Wagh Applicant

IN THE MATTER BETWEEN

The New India Assurance Co. Ltd., Mumbai Appellant

Versus

Sachin Shashikant Wagh And Anr. Respondents

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Mr. Vasant More i/b Adv. Vidula V. Wagle, Advocate for the Applicant.

Mr. Sandeep Jinsiwale, Advocate for the Appellant – Insurance Company.

CORAM : SHIVKUMAR DIGE, J.
DATE : 11th AUGUST, 2025.

P.C. :

1. By this application, the Applicant is seeking withdrawal of the amount.

2. It is contention of learned counsel for the Applicant that due to accidental injuries the Applicant suffered 80% permanent physical disability. Applicant has no source of income. Applicant needs the amount for his daily expenses and medical expenses. Hence, requested to allow the appeal.

3. It is contention of learned counsel for the Appellant – Insurance Company that the driver of the offending vehicle was not holding effective and valid driving licence, but this fact is not considered by the Tribunal. Hence, requested to reject the application.

4. I have heard both learned counsel.

5. The Applicant is suffered 80% permanent physical disability. Applicant needs the amount for his daily expenses and medical expenses. The issue raised by the learned counsel for the Appellant – Insurance Company can be considered at the time of final hearing of the appeal, and I pass following order:

ORDER

- i. The application is allowed.
- ii. The Applicant is permitted to withdraw 50% amount out of deposited amount along with accrued interest thereon, on furnishing undertaking.
- . The Application stands disposed of.

(SHIVKUMAR DIGE, J.)