

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

INTERIM APPLICATION NO. 9913 OF 2025

in

FIRST APPEAL(ST) NO. 35677 OF 2024

Maheshkumar Surajmal Agarwal

Applicant

In the matter of

The New India Assurance Co. Ltd.

Appellant

versus

Maheshkumar Surajmal Agarwal And Anr.

Respondents

Mr. T. R. Kale i/b. Mr. T. J. Mendon, Advocate for Applicant/Claimant.

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

CORAM : SHIVKUMAR DIGE, J.

DATE : 16th JULY, 2025.

P.C. :

1. Heard learned counsel for the applicant/claimant and learned counsel for the appellant-Insurance Company.

2. By this application, the applicant is seeking withdrawal of the amount. Learned counsel for the applicant submitted that due to accidental injuries, the applicant has suffered 25% permanent partial disability. The applicant has no source of income, he needs the amount for his daily expenses and medical expenses. Hence, requested to allow the application.

3. Learned counsel for appellant - Insurance Company strongly objected to allow the application on the ground that the driving license of the driver of the offending vehicle had expired at the time of the accident and the income of the claimant is considered on higher side. Hence, requested to reject the application.

4. I have heard both learned counsel. The applicant suffered serious injuries due to accidental injuries. The applicant has no source of income, he needs the amount for his daily expenses as well as medical expenses. The grounds raised by the appellant-Insurance can be considered at the time of final hearing of the appeal. Hence, I pass the following order :

ORDER

1. The application is allowed.
2. The applicant is permitted to withdraw 50% amount along with accrued interest thereon, out of the deposited amount on furnishing usual undertaking.

The application is disposed of.

(SHIVKUMAR DIGE, J.)