

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

INTERIM APPLICATION NO. 10393 OF 2025
IN
FIRST APPEAL NO. 1674 OF 2024

Ramesh Ajinath Wanve And Ors. Applicants

V/s.

The Oriental Insurance Co. Ltd. Pune Respondents

Mr.Avesh Ghadge, for Applicant No.1.

Ms.Prachi Pawar a/w Mr.Rajesh Kanojia i/b Res Juris, for the
Respondent.

CORAM : SHIVKUMAR DIGE, J.

DATE : 25th JULY 2025

P.C:-

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

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

3. It is contention of the learned counsel for the
Applicants that due to accidental injuries the Claimant has
suffered 15% permanent physical disability. Due to disability his

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leg has been shortened. He needs amount for daily and medical expenses. Hence, requested to allow the Application.

4. The learned counsel for the Respondent has objected to allow the Application on the ground that accident occurred due to contributory negligence of the Claimant, but the Tribunal has considered negligence at 35%, it should be 50%. Hence, requested to dismiss the Application.

5. I have heard both the learned counsel.

6. The Applicant has suffered 15% permanent physical disability. He needs amount for daily and medical 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 50% amount along with accrued interest thereon on furnishing undertaking.

(SHIVKUMAR DIGE, J.)