

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

INTERIM APPLICATION NO. 11079 OF 2025

IN

FIRST APPEAL NO. 704 OF 2024

Dhananjay Maruti Pawar

... Applicant

In the matter of

SBI General Insurance Company Limited

... Appellant

Versus

Dhananjay Maruti Pawar And Anr.

... Respondents

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

Ms. Ketki Gokhale i/b. Ms. Shalini Shankar, Advocate for Appellant.

CORAM : SHIVKUMAR DIGE, J.

DATED : 14th AUGUST, 2025.**P. C. :**

1. By this application, applicant is seeking withdrawal of amount.
2. It is the contention of learned counsel for the applicant that due to accidental injuries, he has suffered 41% permanent partial disability. Due to sustained such injuries he needs the amount for medial expenses and daily expenses. He has no source of income, hence, requested to allow the application.
3. It is contention of learned counsel for the appellant-Insurance Company that driver of offending vehicle was under influence of liquor it is proved before the Tribunal but the Tribunal has not exonerated Insurance

company from paying compensation but this fact is not considered by the Tribunal, hence requested to reject the application.

4. I have heard both the learned counsel. Due to accident, the applicant has sustained injuries. The applicant needs the amount for medial expenses and daily expenses. Applicant has no source of income. The grounds raised by the appellant- Insurance Company can be considered at the time of final hearing of the appeal. Hence, considering this fact, I pass following order :

ORDER

- (i) The application is allowed.
 - (ii) The applicants are permitted to withdraw 40% amount out of deposited amount along with accrued interest thereon on out of deposited amount on furnishing usual undertaking.
5. The Interim application is disposed of.

(SHIVKUMAR DIGE, J.)