

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

INTERIM APPLICATION NO. 11084 OF 2025

IN

FIRST APPEAL NO. 1184 OF 2024

Abdul Salam Sattar Taj

... Applicant

In the matter of

Bajaj Allianz General Insurance Co. Ltd.

... Appellant

Versus

Abdul Salam Sattar Taj And Anr.

... Respondents

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Mr. Nitesh Bhutekar, Advocate for the Applicant.

Mr. Sarthak Diwan, Advocate for Appellant-Insurance Company.

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, applicant has suffered 100% permanent physical disability. He needs the amount for daily expenses and medical expenses. Hence, requested to allow the application.
3. It is contention of learned counsel for appellant- Insurance company that at the time of accident, driver of offending vehicle was not holding effective and valid driving licence. The said fact is proved before the Tribunal but the Tribunal has passed pay and recover order which is

erroneous, hence requested to reject the application.

4. I have heard both the learned counsel. Due to accidental injuries, the applicant has suffered 100% permanent physical disability. He needs the amount for daily expenses and medical expenses. 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 applicant is permitted to withdraw 45% 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.)