

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

CIVIL APPLICATION NO. 6185 OF 2014
IN FA/348/2005

LAXMIBAI DEVRAO KADAM AND OTHERS
VERSUS
MANOJ ENTERPRISES

...
Advocate for Applicants : Mr. Shahaji B.Ghatol Patil.
Advocate for Respondent sole : Mr. V. D. Salunke.

CORAM : A.M. BADAR, J.
DATE : 21st DECEMBER, 2015.

PER COURT:

1] This is an application for withdrawal of the amount of compensation falling in share of the claimants who were minor at the time of decision rendered by the learned Commissioner under the Workmen's Compensation Act, 1923. Heard learned counsel for the applicants/original claimants.

2] The learned counsel pointed out the order dated 11.8.2015, passed by the Registrar of this Court, thereby dismissing the appeal in default. The said judgment and award passed by the learned Commissioner under the Employees Compensation Act, 1923 on 6.1.2005.

3] learned counsel for the applicants/original claimants submits that in terms of this award, the original claimants Nos. 1 and 4 have already withdrawn the amount of compensation falling in their share but the amount of compensation falling in the share of the original claimant Nos. 2 and 3 who were minor, could not be withdrawn as yet because they were minors and as per the order of the learned Commissioner, that amount was to be kept in Fixed Deposit, till the claimant Nos. 2 and 3 attain majority.

4] learned counsel for the applicant submits that the original claimant Nos.2 and 3 have not attained majority and in view of the dismissal of the appeal in default, there is no hurdle in releasing the amount of compensation in favour of original claimant Nos. 2 and 3.

5] Hence, for the reasons stated in the application, the application is allowed in terms of prayer clause (B) with a direction that the original claimant Nos. 2 and 3 are permitted to withdraw the amount of compensation only after ascertaining the fact of their having attained majority by the Registrar of the trial court. The application stands disposed of.

[A.M. BADAR, J]

grt/-