

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

BENCH AT AURANGABAD

...

1067 CIVIL APPLICATION NO. 13506 OF 2015
IN FAST/31184/2013

DEEPALI MAHAVIR WAGHMARE AD OTHERS
VERSUS
SHRIRAM GENERAL INSURANCE O. LIMITED AND ANOTHER

...

Advocate for Applicant : Mr. Ashtekar R. K.
Advocate for Respondents : Mr. S G Chapalgaonkar
AGP for the respondents State: Mr. B. V. Viradhe

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CORAM : S. V. GANGAPURWALA, J.

DATE : 16th October, 2015

PER COURT :

1. The grievance is made that inspite of the fact that this Court, vide order dated 04.02.2015, allowed the applicants to withdraw 50% of the amount deposited upon execution of the undertaking, the commissioner has passed an order allowing withdrawal of Rs.47,604/- to each claimants. According to learned counsel the same is erroneous.

2. I have heard learned counsel Mr. Chapalgaonkar for the non applicant.

3. It appears that the Commissioner for workmen's Compensation has not read the order passed by this Court dated 4th February, 2015 in Civil Application No.

1453/2015. By passing order dated 25.03.2015, the Commissioner for Workmen's Compensation has sat over the order of learned Single Judge of this Court. The commissioner did not have any jurisdiction to pass any such order. Assuming that the said order must have been passed under misconception, no notice is being issued to the said Commissioner for Workmen's Compensation. The order dated 25.03.2015 is quashed and set aside. The Commissioner shall scrupulously adhere to the order dated 04.02.2015 in Civil application No. 1453 of 2015 passed by this Court and allow withdrawal of 50% amount as directed in the said order.

4. Civil application is accordingly disposed of.

(S. V. GANGAPURWALA, J.)

JPC