

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

**CIVIL APPLICATION NO.1194 OF 2015
IN
FIRST APPEAL (ST). NO.34610 OF 2014**

Office Notes, Office Memoranda of Coram, appearances, Court's orders or directions and Registrar's orders	Court's or Judge's orders.
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Mr.K.K.Mishra for the appellant

Mr.Nikhil Mehta i/b M/s.KMC Legal Venture
for the respondent

CORAM : K.K.TATED, J.
DATED : 18/03/2015

PC:

- 1 Not on board. At the request of Advocate for the applicant, matter is taken on board for urgent orders.
- 2 Heard the learned counsel for the parties.
- 3 This application is preferred by original claimant stating that matter is settled between the parties in terms of consent terms dated 10.02.2015 which is at page 6 at Exhibit A.
- 4 The learned counsel for the applicant further submits that Advocate has issued certificate dated 6.3.2015 i.e. Exhibit B at page 9 stating that the present settlement is in the interest of the minors.

5 Considering the submissions made by the learned counsel for the applicant and the averments made in Civil Application, I am satisfied that the applicant has made out a case for allowing Civil Application. Hence, following order:

A) Civil Application is allowed in terms of prayer clause (b) which reads thus:

“(b) Your Lordship be pleased to allow to settle the matter by accepting the proposed consent terms and modifying the judgment and order of Hon'ble Labour Court. The respondent no.1 be allowed to withdraw the amount of Rs.8,68,575/- out of total deposited amount by the appellant.”

B) Applicant no.1, Rajkumari Shyamsunder Shukla is entitled to withdraw $\frac{1}{4}$ th of the amount i.e. Rs.8,68,575/- without furnishing any security.

C) Office of the Commissioner for Workmen's Compensation, Thane is directed to invest remaining amount in the name of applicant nos.2, 3 and 4 Miss Swati Shyamsunder Shukla, Miss Jhalak Shyamsunder Shukla and Miss Gajal Shyamsunder Shukla i.e. $\frac{1}{3}$ each in fixed deposit

of any nationalised bank initially for a period of two years and same be continued till applicant nos.2, 3 and 4 attains majority.

D) Applicant no.1 is entitled to withdraw quarterly interest on fixed deposit amount without furnishing any security.

E) Applicant nos.2, 3 and 4 after attaining majority are entitled to withdraw amount invested in fixed deposit without furnishing any security.

F) Respondent Insurance Company is entitled to withdraw remaining amount of Rs.1,72,369/- without furnishing any security.

G) Civil Application is disposed of accordingly.

(K.K.TATED, J.)