

FARAD CONTINUATION SHEET
IN THE HIGH COURT OF JUDICATURE AT BOMBAY.
CIVIL APPELLATE SIDE JURISDICTION.

FIRST APPEAL NO.121 OF 2015
WITH
CIVIL APPLICATION NO.303 OF 2015

Office Notes, Office Memoranda of Coram, Appearances, court's orders or directions and Registrar's orders	Court's or Judge's orders
---	---------------------------

Mr. Amol Gatne for the Applicant
Mr. K. K. Mishra for the Respondent Nos.1 to 4.

CORAM : K. K. TATED, J.
DATE : MARCH 19, 2015

P.C.:

1. Heard. By this appeal, the Insurance Co. is challenging the judgment and award dated 05/08/2014 passed by the Commissioner for Workmen's Compensation and Judge, II Labour Court, Thane in Application (WCA) No.288/B-87/2010 to the extent of awarding interest @ 12% p.a. from the date of accident till realization on the compensation of Rs.7,20,799/- out of which the Appellant is liable to pay Rs.3,73,747/-.

2. In the present proceedings, the advocate for the Respondent claimant filed affidavit dated 12/03/2015 stating that the Respondent claimants are ready to waive interest as awarded by the

Tribunal. The claimant also placed on record a certificate issued by the Advocate dated 12/03/2015 stating waiving of interest on the compensation, is in the interest of minor claimants. The said certificate is at page 31 of affidavit dated 12/03/2015.

3. In view of the subsequent development that the Respondent claimants filed affidavit dated 12/03/2015 stating that the claimants are waiving the interest as awarded by the Tribunal on compensation amount, nothing survives in the present appeal. Hence, the First Appeal stands disposed of as infructuous.

4. The Respondent claimants are entitled to withdraw the amount awarded by the Tribunal without furnishing any security.

5. Hence the following order:

a) In view of the subsequent development, the First Appeal become infructuous.

b) Claimant No.1 Mrs. Kaushalya R. Singh is entitled to withdraw 1/4th amount deposited by the Insurance Co. without furnishing any security.

c) The Tribunal is directed to invest $\frac{1}{4}$ of the amount each in the name of claimant Nos.2 to 4 in a fixed deposit account of any Nationalized Bank till they attain majority.

d) The Applicant Kaushalya R. Singh is entitled to withdraw quarterly interest on the fixed deposit of all minors, without furnishing any security.

e) Civil application stands disposed off accordingly.

JUDGE