

**IN THE HIGH COURT AT BOMBAY
APPELLATE SIDE, BENCH AT AURANGABAD**

56 CIVIL APPLICATION NO. 2067 OF 2016
IN FA/2260/2015 WITH CA/11059/2015 IN FA/2260/2015

ROHINI CHANDRASHEKHAR @ SHEKHAR CHATTAR AND OTHERS
VERSUS
BRANCH MANAGER, UNITED INDIA INSURANCE COMPANY LTD.
AND ANR

...
Advocate for Applicants : Markad Dattraya R.
Advocate for Respondent No. 1 : S V Kulkarni
...

CORAM : T.V. NALAWADE, J.
DATED : 22nd February, 2016.

ORDER :

1. Civil Application No.2067/2016 is filed by original claimants for permission to withdraw the compensation amount. Heard both the sides.

2. The learned counsel for Insurance Company has strong objection to the application. He contended that there was no convincing material to prove the employer - employee relationship between the owner of the vehicle and deceased. He showed to this Court some statements given by the persons who were travelling in the vehicle at the relevant time. It appears that for some distance owner was on driver's wheel, but after that the deceased was on driver's wheel. In view of this circumstances, this Court holds that permission needs to be

granted to withdraw the amount of compensation deposited in the Court subject to undertaking.

3. In the result, the application is allowed. Permission is granted to withdraw the amount deposited by the Insurance Company, subject to giving of undertaking.

4. Call record and proceedings. List the matter for final hearing on 25.7.2016.

[T.V. NALAWADE, J.]

ssc/