

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

CIVIL APPLICATION NO. 13179 OF 2015
IN FAST/7609/2012 WITH CA/4425/2012 IN FAST/7609/2012 WITH
CA/4426/2012 IN FAST/7609/2012

ALKA BAPU THORAT AND ORS
VERSUS
THE ORIENTAL INSURANCE CO LTD. AND OTHERS

...
Advocate for Applicants : Mr. Shaikh Naseer
Advocate for Respondent No.1: Mr. N.C. Patil h/f Mr. S.M. Godsay
.....

CORAM : V. K. JADHAV, J.
DATED : 15th APRIL, 2016

PER COURT:-

1. Heard learned counsel for the applicants and the learned counsel for respondent No.1-insurer.
2. Learned counsel for the applicants submits that the Commissioner has decided the claim petition way back in the year 2011 and compensation is deposited with the Commissioner. Learned counsel submits that applicant No.1 is widow and applicant Nos. 2 to 6 are minor children. Learned counsel submits that the applicants have no independent source of income and they may be permitted to withdraw the amount of compensation.
3. Learned counsel for the respondent-insurer has strongly opposed this application.

4. Considering the fact that the petition under Workmen's Compensation Act is decided in the year 2011 and widow and minor children have preferred the claim petition for grant of compensation, I am inclined to allow this application by imposing certain conditions.

5. Civil application is thus allowed in terms of payer clause "B" on condition that the applicant No.1 shall furnish undertaking before the Commissioner to the effect that in case the appellant insurer succeeds in the appeal, the applicants would refund the entire amount within three months from the date of order passed by this Court in appeal. Civil application is disposed of.

(V. K. JADHAV, J.)

rlj/