

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

Amk

CIVIL APPLICATION NO. 3900 OF 2016
IN
FIRST APPEAL NO. 1167 OF 2015
WITH
CIVIL APPLICATION NO. 3595 OF 2015

Shri Shahul Hamid M. Shah .. Applicant

In the matter between

HDFC Ergo General Insurance .. Appellant

Vs.

Shri Shahul Hamid M. Shah & Anr. .. Respondents

Mr. V. M. Parkar for the Applicant.

Mr. Manoj Badgujar h/f A. P. Kulkarni for the Appellant.

Ms. Anita Wakchaure for Respondent No.2.

CORAM : DR. SHALINI PHANSALKAR-JOSHI, J.
DATE : 6th SEPTEMBER, 2016.

P. C. :

1. This is an application seeking withdrawal of the amount of compensation deposited by the respondent with the Commissioner for Employees Compensation and Judge 9th Labour Court at Mumbai. It is submitted that due to the accident, the applicant has become incapacitated to earn the money. He is also unable to meet his medical expenses and in view thereof, he may be permitted to withdraw the entire amount of compensation as deposited by the respondent-Insurance Company.

2. Learned counsel for the respondent submits that the applicant

was not having valid license and in view thereof, the applicant cannot be permitted to withdraw the entire amount.

3. Considering the needs of the applicants and the issue raised by the respondent-Insurance Company, the applicant is permitted to withdraw 50% of the amount deposited with the Commissioner for Employees Compensation subject to usual undertaking without furnishing any security as such.

4. The Civil Application is disposed of accordingly.

5. The appeal is to be listed on 13.10.2016.

[DR. SHALINI PHANSALKAR-JOSHI, J.]