

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

CIVIL APPLICATION NO.2604 OF 2016

IN

FIRST APPEAL NO.21 OF 2010

Matinadevi Dayaram Yadav

.. Applicant

IN THE MATTER OF

The New India Assurance Co. Ltd.

.. Appellant

Versus

Matinadevi Dayaram Yadav and another

.. Respondents

Mr. T. J. Mendon for the Applicant.

Ms. Divya Menon i/by Mr. S. S. Vidyarthi for the Respondent.

CORAM : R.M. SAVANT, J.

DATE : 8th JULY 2016

PC.

1. The above Civil Application has been filed for withdrawal of the amount deposited by the New India Assurance Co. Ltd. in this Court. The Applicant is the mother of the deceased who died in the accident in question. The Applicant has also lost her husband during the pendency of the proceedings before the Commissioner, Workmen's Compensation. The challenge to the order passed by the Learned Commissioner, Workmen's Compensation is on the ground that the relationship of employer employee has not been proved. The said contention has been rejected by

the Commissioner for Workmen's Compensation. In my view, it would be just and proper to permit the Applicant to withdraw an amount of Rs.3,00,000/- with commensurate interest with security. The balance amount with the commensurate interest to be deposited in fixed deposit in a Nationalized Bank initially for a period of two years and to be renewed thereafter for appropriate periods.

2. Needless to state that the withdrawal of the amount would be subject to the result of the above First Appeal. The Civil Application is accordingly disposed of.

[R.M. SAVANT, J]