

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

**CIVIL APPLICATION NO.3540 OF 2015
IN
FIRST APPEAL STAMP NO.23842 OF 2012**

Smt. Muluhura Devtadin Rajbhar .. Applicant

IN THE MATTER BETWEEN

The New India Assurance Co. Ltd. .. Appellant

Versus

Smt. Muluhura Devtadin Rajbhar and another .. Respondents

Mr. T. J. Mendon for the Applicant.

Mr. S. M. Dange for the Respondent/original Appellant.

**CORAM : R.M. SAVANT, J.
DATE : 3rd AUGUST 2016**

PC.

1 The above Civil Application has been filed for withdrawal of the amount which has been deposited by the Insurance Company i.e. The New India Assurance Co. Ltd. with the Commissioner for Workmen's Compensation, Mumbai. The Applicant is the widowed mother of the deceased who was at the relevant time 32 years of age. The Commissioner has granted compensation to the extent of Rs.4,07,7000/- with interest at the rate of 12% per annum. The total amount therefore comes to Rs.5,83,965/-.

2 In my view, having regard to the fact that the son of the claimant has expired and there is no dispute about the fact that the insured had a policy from the Insurance Company i.e. the original Appellant, it would be just and proper to permit the Applicant to withdraw an amount of Rs.3,00,000/- with commensurate interest. The balance remaining to be deposited by the office of the Commissioner for Workmen's Compensation in a fixed deposit of a Nationalized Bank for a period of two years and thereafter renewed if the occasion so arises. With the aforesaid directions, the Civil Application is disposed of.

[R.M. SAVANT, J]