

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

CIVIL APPLICATION NO.3872 OF 2016
IN
FIRST APPEAL NO.1701 OF 2013

Sona Badelal Upadhyay	 Applicant
<i>In the matter between</i>	
United India Insurance Company Ltd.	 Appellant
V/s.	
Sona Badelal Upadhyay & Anr.	 Respondents

Ms. Varsha Chavan for the Respondent-Original Appellant.

Mr.U.S. Pandey for the Applicant-Original Respondent No.1.

CORAM : DR. SHALINI PHANSALKAR-JOSHI, J.

DATE : 1ST OCTOBER 2016.

P.C. :

1. Heard learned counsel for the parties.

2. This is an application preferred by the original claimant No.1 seeking withdrawal of the entire amount of compensation, as deposited by the appellant-Insurance Company in the Office of the Commissioner for Employees' Compensation, Thane in Application (WCA) No.138/B-35/2010. Applicant No.1 is the widow of the Deceased and it is submitted that she requires the said amount for satisfying her day-to-day needs.

3. Learned counsel for the appellant-Insurance Company opposes this Civil Application on the count that there is dispute relating to employer-employee relationship. However, considering the fact that this dispute relating to insurable interest was not raised in the written statement filed in the Claim Petition, at this stage, having regard to the needs of applicant No.1 and the fact that the First Appeal is not likely to be heard immediately, applicant No.1 is permitted to withdraw 50% of the amount of compensation, as deposited by the appellant-Insurance Company in the Trial Court, without furnishing any security, but, subject to furnishing usual undertaking.

4. Civil Application is disposed of in the above terms.

[DR. SHALINI PHANSALKAR-JOSHI, J.]