

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

CIVIL APPLICATION NO.3568 OF 2014

IN

FIRST APPEAL NO.661 OF 2014

Smt. Rupali Imran Shaikh

.. Applicant

IN THE MATTER BETWEEN

Bajaj Allianz Gen. Insurance Co. Ltd.

.. Appellant

Versus

Smt. Rupali Imran Shaikh and another

.. Respondents

Mr. M. M. Sathaye for the Applicant/Appellant.

**Ms. Varsha D. Nichani i/by R. S. Chahal, Rina Kundu, M. Kundu, for
the Respondent No.1.**

CORAM : R.M. SAVANT, J.

DATE : 19th JULY 2016

PC.

1 The above Civil Application has been filed by the Applicant who is the widow of the deceased. The Applicant has by the above Civil Application seeking withdrawal of the amount deposited by the Insurance Company. The Applicant's husband one Imran Shaikh has died in the accident. The finding recorded is that the accident has taken place during the course of his employment. The issue in the above First Appeal is therefore in a narrow compass namely whether the accident in which the deceased Imran Shaikh has expired has occurred in the course of his

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employment so as to make the Insurance Company liable under the policy. Since it was a fatal accident, in my view, it would be just and proper to permit the Applicant to withdraw an amount of Rs.2,50,000/- with commensurate interest without security. The Civil Application is allowed to the aforesaid extent. The balance amount is directed to be invested in a fixed deposit of a Nationalized Bank initially for a period of two years and to be renewed thereafter for appropriate period/periods as the office of the Commissioner of Workmen's Compensation deems it appropriate. The Civil Application is accordingly disposed of.

[R.M. SAVANT, J]