

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

CIVIL APPLICATION NO.3969 OF 2015
IN
FIRST APPEAL NO.379 OF 2015

Mrs. Sitabai Suresh Surwase and ors Applicants.

In the matter of

Bajaj Allianz General Insurance Co. Ltd. .. Appellant.

V/s.

Mrs. Sitabai Suresh Surwase and ors Respondent

Mr. A. B. Tajane, for the Applicants.
Ms. Yogita Deshmukh, for the appellant.

CORAM : DR. SHALINI PHANSALKAR-JOSHI, J.

DATE : 26TH OCTOBER, 2016.

P.C. :

1. This application is preferred by the original claimants seeking withdrawal of entire amount of compensation, as deposited by the appellant with the Commissioner for Workmen's Compensation.
2. It is submitted that after the death of deceased applicants are having no source of income as they were totally dependent on the income of the deceased and hence as hearing of the appeal is bound to take some time, they may be permitted to withdraw the entire amount of compensation, as deposited with the Commissioner for Workmen's

Commissioner.

3. Learned counsel for the appellant resisted this application on the ground that employer-employee relationship is challenged coupled with the fact that the deceased was gratuitous licensee and therefore, not covered under the policy.

4. In view thereof, the applicants are permitted to withdraw 50% of the amount of compensation, at this stage, as deposited with the Commissioner for Workmen's Compensation, subject to furnishing usual undertaking but without insisting on any security.

5. The applicants are at liberty to file application for withdrawal of remaining 50% amount which will be considered on its own merits.

5. Application is disposed of accordingly.

[DR. SHALINI PHANSALKAR-JOSHI, J.]