

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

9. CA/6789/2017 IN FA/3192/2016
SUKHDEVSING KEHARSINGH SOKHI AND ORS
VERSUS
NATIONAL INSURANCE CO. LTD.

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Advocate for Applicants : Mr. P.C.Mayure
Adv. for respondent Nos. 1 and 2 : Sudhir V. Kulkarni
Adv. for respondent Nos. 4 and 5 : Mr. U.L. Momale (absent)

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CORAM : K.K. SONAWANE, J.

DATE : 18th December, 2017.

PER COURT:

1] Heard learned counsel for the applicant and learned counsel for the respondent Insurance company. None appears for respondent Nos. 3 and 4 even after service of notice.

2] During the course of arguments, it has been agreed to allow the applicant to withdraw 50% of the amount deposited with the Commissioner, Workmen's compensation, on furnishing undertaking to the Registrar, Labour Court, Nanded to the effect that in case, any adverse situation arises after adjudication of appeal on merit, the applicant-original claimant will refund the amount forthwith as directed by this Court.

3] In view of aforesaid submission, the application stands partly allowed. The applicants are permitted to withdraw 50% of the amount deposited by the insurance company, on furnishing undertaking to the Registrar, Labour Court, Nanded to the effect that in case, any adverse situation arises after adjudication of appeal on merit, the applicant-original claimant will refund the amount forthwith as directed by this Court.

4] Rest of the 50 % amount be invested in the Fixed Deposit Receipts Account in any Nationalized Bank for a period of two years or till final decision of present appeal on merit, whichever is earlier. The Registrar, Labour Court, Nanded to do the needful for disbursement of the amount in favour of applicant-original claimant as mentioned above. Accordingly, civil application stands disposed of.

[K.K.SONAWANE, J]

grt/-