

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

45 CIVIL APPLICATION NO. 10779 OF 2017
IN FA/394/2017

USHATAI VITHALRAO UNHALE AND ORS

VERSUS

RELIANCE GENERAL INSURANCE CO. THR ITS AUTHORIZED
OFFICER, AURANGABAD AND ANR

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Advocate for Applicants : Mr.Ghatol Patil Shahaji B.

Advocate for Respondent No.1 : Mr. A. S. Usmanpurkar

Advocate for Respondent No.2 : Mr.A. S. Deshpande

CORAM : K. L. WADANE, J.

DATE : 21st August, 2017

ORDER:

1. Heard.

2. This is an application for withdrawal of the amount of compensation deposited by the insurance company in the trial court. The learned counsel appearing for the insurance company has disputed the relationship of between respondent No.1 and the deceased. The learned counsel for the appellant invited my attention to the impugned award and by referring certain contents, he submits that the employer has admitted the relationship between him and the deceased. The learned counsel for the insurance company has strong objection to pay the entire amount on the ground that income of deceased is held to be Rs.13000/- per month, which is at higher side.

3. In view of the above, I am of the opinion that at least 50% of the amount of compensation under award alongwith with interest accrued thereon is to be paid to the applicants. Hence following order:

O R D E R

1. The applicants are allowed to withdraw 50% amount under the award with interest accrued thereon, on furnishing undertaking that in the event of adverse order passed in the appeal, they shall deposit such amount before the Commissioner for Employee's Compensation within a period of 8 weeks.
4. The civil application is disposed of.

(K. L. WADANE, J.)

JPC