

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

CIVIL APPLICATION NO.3356 OF 2015
IN
FIRST APPEAL st. NO.19637 OF 2011

Shri Vilas Shankar Lokhande ... Applicant

IN THE MATTER OF:

Reliance General Insurance Co. Ltd. ... Appellant

Vs.

Shri Vilas Shankar Lokhande & Ors. ... Respondents

Mr.T.J. Mendon for the Applicant/Claimants

Mr.Nikhil Mehta i/b KMC Legal Ventures for Appellant/Ins. Co.

CORAM: MRS.MRIDULA BHATKAR, J.

DATE: NOVEMBER 8, 2017

P.C.:

1. Upon urgent mentioning, taken on Production Board.
2. This application is moved by the original claimant for withdrawal of the amount of compensation deposited by the appellant insurance company. By judgment and award dated 21.3.2011, the learned Commissioner for Workmen's Compensation and Judge, Labour Court at Mumbai has granted compensation of Rs.4,50,440/- alongwith interest to the applicants.

3. The learned Counsel for the applicant / claimant submitted it is a death claim. The claimant has lost his son in a car accident and when he was working as a driver with respondent Nos.2 and 3. The learned Counsel submitted that the father, the claimant, was fully dependent on the deceased.
4. Learned Counsel appearing for the insurance company while opposing the application, submitted that as per the defence of the insurance company, the deceased was not holding a valid driving licence to drive the insured tourist vehicle. He submitted that the appellants have good case on merits.
5. After hearing the submissions of the parties, the application is allowed. The applicant is allowed to withdraw 50% of the amount alongwith interest accrued thereon, subject to furnishing a usual undertaking before the learned Commissioner for Workmen's Compensation, Mumbai. The remaining amount shall be invested in a fixed deposit of a nationalised bank.
6. Civil Application is disposed of accordingly.

(MRIDULA BHATKAR, J.)