

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

**CIVIL APPLICATION NO.2857 OF 2017
IN
FIRST APPEAL NO.1040 OF 2017**

Shri Mehboob Fatullal Shaikh ... Applicant

IN THE MATTER OF:

United India Insurance Co. Ltd. & anr. ... Appellant

Vs.

Shri Mehboob Fatullal Shaikh ... Respondents

Ms.Rina Kundu i/b M. Kundu for the Applicant
Ms.Varsha Chavan for Appellant in FA

**CORAM: Mrs.MRIDULA BHATKAR, J.
DATED: SEPTEMBER 19, 2017**

P.C. :

1. Upon urgent mentioning, taken on Production Board.
2. This application is filed by the Applicant / original claimant for withdrawal of the amount deposited by the Appellant Insurance Company before the Commissioner for Workmen's Compensation, Thane, who had granted a compensation of Rs.5,28,345/- with interest @ 12%. Besides the said amount, an amount of Rs.3,84,835/- was granted towards medical expenses.

3. The learned Counsel for the Insurance Company while opposing the application has submitted that the Insurance Company has a good case especially on the point of employer-employee relationship and quantum.

4. Heard. For the reasons mentioned in the Civil Application, the applicant / original claimant is allowed to withdraw an amount of Rs.5 lakhs, upon furnishing usual undertaking before the Commissioner, Workmen's Compensation, Thane. The balance amount shall be invested in a fixed deposit in a nationalised bank till hearing the appeal.

5. Civil Application is disposed of accordingly.

(MRIDULA BHATKAR, J.)