

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

**CIVIL APPLICATION NO. 3468 OF 2017
IN
FIRST APPEAL NO. 1226 OF 2017**

Shri Karamsingh Jagirsingh Chauhan ...Applicant

IN THE MATTER OF

The New India Assurance Co. Ltd. ...Appellant

Versus

Shri Karamsingh Jagirsingh Chauhan &Anr. ...Respondents

.....

Mr.T.J.Mendon for the Applicant.

Mr.D.R.Mahadik for the Original Appellant.

.....

CORAM: MRS.MRIDULA BHATKAR, J.

DATED: NOVEMBER 07, 2017

P.C. :

1. Upon urgent mentioning, taken on Production Board.
2. It is an injury claim filed under the Workmen Compensation Act,1923.
3. This application is moved for withdrawal of an amount of Rs. 10,07,616/- alongwith interest accrued thereon @ 12% p.a. and also for 50% penalty amount, which was granted vide order

dated 07.03.2015 passed by the Commissioner for Employees' Compensation & Judge Sixth Labour Court, Mumbai, in Application [WCA] 490/C-115/2011.

4. Learned counsel for the applicant has submitted that there was amputation of toe of right foot and the applicant is in need of money for treatment.

5. Learned counsel for the original appellant has taken defence that there is no 100% injury to the applicant/original claimant and the amount of compensation is excessive.

6. In view of the above, the applicant is allowed to withdraw 50% of the amount of compensation alongwith interest accrued thereon on an usual undertaking.

7. Civil Application is disposed of accordingly.

(MRIDULA BHATKAR, J.)