

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

CIVIL APPLICATION NO. 7602 OF 2012
IN
FIRST APPEAL NO. 2763 OF 2011

Shri Mahalappa Keshav Survase .. Applicant

versus

ICICI Lombard General Insurance
Co. Ltd. and others .. Respondents

Mr. Ravibhushan P. Adgaonkar, Advocate for applicant
Mr. S. S. Patil, Advocate for respondent no. 1

CORAM : SUNIL P. DESHMUKH, J.
DATE : 9th March, 2018

ORDER :

1. Learned counsel for applicant submits that the applicant is in dire need of compensation amount. It has been difficult for him to pull on his life without there being any aid. He further submits that while application has been filed in 2012, it had been expected that final hearing of the matter would take at an early date, however, final hearing could not take place for a long time and it has become unbearable for applicant to pull on with life.

2. Learned counsel for respondent-original appellant-insurance company, however, submits that the Commissioner for

Workmen's Compensation had been in error in granting compensation and insurer may not be liable to pay compensation.

3. However, looking at that there is no particular dispute about requirement by the applicant-claimant and when the matter has been pending for a long time and final hearing has not taken place yet, in the circumstances, it appears to be expedient to let the claimant withdraw fifty percent of the amount awarded under the decision of the Commissioner for Workmen's Compensation with interest accrued thereon, on an undertaking that in case of decision in first appeal going adverse to his interest, the amount withdrawn would be deposited/paid back by the applicant within a period of three months from the date of decision in the appeal.

4. Learned counsel refer to that the amount is deposited in the office of the Commissioner for Workmen's Compensation and he may be allowed to withdraw the amount from said office and undertaking as aforesaid would be filed before said authority.

5. In view of aforesaid, civil application is allowed to aforesaid extent. Applicant is allowed to withdraw half of the amount deposited along with interest accrued thereon, on

furnishing an undertaking in the office of Commissioner for Workmen's Compensation that the applicant would pay back/deposit the amount being allowed to be withdrawn by him pursuant to this order within a period of three months from the date of decision in appeal if the decision is adverse to their interest. A copy of said undertaking be submitted to in this court.

6. Civil application is disposed of.

SUNIL P. DESHMUKH,
JUDGE

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