

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

CIVIL APPLICATION NO. 15834 OF 2016
IN FAST/12926/2016

ZARINABEGUM ABDUL HAQ MOMIN AND ORS
VERSUS
THE NEW INDIA ASSURANCE CO. LTD.AND ANR

...
Mr. F.K. Patel, Advocate for applicants
Mr. M.M. Ambhore, Advocate for respondent no.1
Mr. A.G. Vasmatkar, Advocate for respondent no.2
...

CORAM : SUNIL P. DESHMUKH, J.
DATE : 06-04-2018

ORDER :

1. Heard learned counsel for appearing parties. The claim for employee's compensation has been granted by Commissioner for Employee's Compensation on 28-10-2015. Deceased had been the only male earning hand in the family and with his death, the same has been lost and since then, the applicants are facing all kinds of hardships. They are living in penurious condition and are in dire need of the compensation amount. The amount had been deposited by appellant - insurer before the Commissioner for Employees Compensation at Latur.

2. Mr. Ambhore, learned counsel for appellant - insurer, however, submits that the evidence may not bear that deceased had been employed by present respondent no. 2 - original

respondent no. 1 before the Commissioner for Employee's Compensation. In the circumstances, the liability may not be incurred by appellant - insurer.

3. However, as on the date, it appears that claim made by the applicants has been granted by the Commissioner for Employee's Compensation. It is discernible that applicants may be facing lot of difficulties on account of loss of earning hand. Most of the applicants are female. Applicant no. 2, who happens to be father of deceased, is a 70 years old man.

4. In the circumstances, it would be expedient to allow applicants to withdraw sum of Rs.5,00,000/- (Rs. Five Lakh) along with interest accrued, subject to furnishing undertaking to the satisfaction of Commissioner for Employee's Compensation, Latur, that in case decision in appeal goes against the applicants, they would pay back / re-deposit the withdrawn amount within a period of three months from the date of decision in the first appeal. Undertaking to be filed within three weeks from today.

5. Civil Application accordingly is disposed of.

[SUNIL P. DESHMUKH]
JUDGE

arp/