

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

WRIT PETITION NO. 4076 OF 2018

Rinkidevi Satyandrasing Tomar

& another

... Petitioners

Versus

K.G. Agro Processor Pvt. Ltd.

& another

... Respondents

Mr. N.L. Choudhari, Advocate for the Petitioners.

Coram : N.M. Jamdar, J.

Date : 12 December 2018

Per Court :

1. By this petition, the petitioner-mother of a minor daughter has challenged the order passed by the learned Commissioner for Employees Compensation and Judge, Dhule dated 26 September 2017.

2. The petitioners had filed an application for compensation upon death of husband of petitioner no. 1 and the father of petitioner no. 2. The application was partly allowed and compensation of

₹ 3,01,392/- was granted. While granting the compensation, petitioner no. 2 being minor, the amount allotted to her share was directed to be deposited in the State Bank of India till her attaining the age of majority. Thereafter petitioners moved an application to the learned Commissioner that out of the amount stated to be invested in the name of petitioner no. 2 – a minor girl, an amount of ₹ 1,00,000/- needs to be withdrawn for the medical treatment of petitioner no. 2. This application has been rejected by the learned Commissioner stating that the medical certificates which have been produced do not inspire confidence and they are not within the jurisdiction of the authority.

3. The apprehension expressed by learned counsel to the Commissioner that the amount would be misused, cannot be considered as mis-placed. At the same time, if petitioner no. 2 - a minor girl requires money for medical expenses, that needs to be looked at seriously. In this context it was put to the learned counsel for the petitioners whether petitioner no. 2 would go for a medical test to the doctor suggested by the Commissioner in Dhule, the learned counsel for petitioners states that he will do so and he will file fresh application to that effect to the learned Commissioner and seeks leave to withdraw the instant petition. Giving this liberty to the petitioners,

writ petition is disposed of as withdrawn.

N.M. Jamdar, J.