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

**CIVIL APPLICATION NO. 1092 OF 2017
IN
FIRST APPEAL NO. 605 OF 2013**

Smt. Snehal Pandurang Gade & Ors. .. Applicants

In the matter between

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

Vs.

Smt. Snehal Pandurang Gade & Ors. .. Respondents

Mr. Sharad T. Bhosale for the Applicants.

Mr. P. G. Sarda for Respondent No.5.

Mr. Devendranath S. Joshi for the original Appellant.

Mr. Amit D. Sale for Respondent Nos.1 to 4 in Appeal.

CORAM : K. K. SONAWANE, J.

DATE : 26th JULY, 2018.

P. C. :

1. Heard learned Counsel for applicants-original claimants and learned Counsel for respondent-Insurance Company.

2. The present application is moved seeking permission to withdraw decretal amount deposited by the respondent-Insurance Company in Trial Court i.e. the learned Commissioner for Workmen's Compensation, Solapur in proceeding bearing Application W.C.No. 55 of 2008. The respondent-Insurance Company has deposited total lump sum amount of Rs.3,48,071/- towards compensation before the learned Trial Court. The applicants are widow and children as well as parents of the deceased

Pandurang Gade.

3. In view of nature of subject matter and the attending circumstances on record, I do not find any impediment to allow the applicants to withdraw a total sum of Rs.2,60,000/- from the decretal amount of compensation deposited before the learned Trial Court. Definitely, it would subserve the purpose pending the appeal. Hence, the application deserves to be allowed.

4. Accordingly, the application stands allowed. The applicants are permitted to withdraw a total sum of Rs.2,60,000/- from the decretal amount of compensation deposited before the learned Commissioner for Workmen's Compensation, Solapur in Application W.C.No. 55 of 2008 subject to condition that the applicants shall furnish an undertaking that they would refund the amount forthwith in case any contingency arises in the appeal. Rest of the balance amount deposited before the learned Trial Court be invested in FDR account in any nationalized bank for a period of two years or till disposal of the appeal whichever is earlier with liberty to renew the FDR in future, if required.

5. It is stipulated that from the total sum of Rs.2,60,000/-, amount of Rs.1 lakh be kept in FDR account in any nationalized bank in the name of minor applicant Kum. Shivam Pandurang Gade till she attains the age of majority. Sum of Rs.30,000/- each i.e. total sum of Rs.60,000/- be paid to parents i.e. applicant No.3-Shri Balbhim Ananta Gade and applicant No.4-Smt. Taramati Balbhim Gade and rest of the balance amount be paid to

the widow of the deceased i.e. applicant No.1-Smt. Snehal Pandurang Gade. The Registrar of the concerned Trial Court i.e. the Commissioner for Workmen's Compensation shall do the needful for the disbursement of the compensation amount as directed above and file a report of the same to this Court after due compliance.

6. Accordingly, the application stands disposed in the above terms.

[K. K. SONAWANE, J.]