

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

**CIVIL APPLICATION NO. 2690 OF 2018
IN
FIRST APPEAL (ST.) NO. 23306 OF 2014**

Ajaz Tazammul Pathan ... Applicant

IN THE MATTER OF
Reliance General Insurance Co. Ltd. ... Appellant
V/s.
Ajaz Tazammul Pathan & Anr. ... Respondents

Ms. Deepika Prabala i/b Res Juris for the Appellant-Insurance Company.
Mr. T.J. Mendon for the Respondent No.1 and Applicant in C.A.F.
No.2690/2018.

**CORAM : K.K. SONAWANE, J.
DATE : 1st AUGUST, 2018.**

P.C. :

1 Heard learned Counsel for the applicant-original claimant and the learned counsel for the appellant-Insurance Company. The application is filed on behalf of applicant for seeking permission to withdraw the compensation amount deposited before the learned Trial Court. The compensation came to be awarded after appreciating the entire evidence on record by the learned Commissioner and passed impugned judgment and award, which is under challenge in the present appeal.

2 In view of nature of the physical disability and the grounds raised on behalf of Insurance Company in the Appeal, I find it justifiable to allow the applicant to withdraw lump sum amount of Rs.7.5 lakhs from the total

compensation amount deposited before the learned Trial Court. Definitely, it would sub-serve the purpose in the interest of justice. It would not cause any injustice to the appellant-Insurance Company.

3 Accordingly, application stands allowed. Applicant is hereby permitted to withdraw the lump sum amount of Rs.7.5 lakhs from the total sum of compensation deposited on behalf of appellant-Insurance Company before the learned Trial Court i.e. Commissioner for Employees Compensation, Mumbai, in application No.(WCA)859-C-218 of 2012 subject to condition that the applicant-original claimant shall furnish an undertaking that he would refund the amount so withdrawn forthwith in case of any contingency arises in the appeal. Rest of the balance decretal amount be invested in F.D.R. account in any nationalized bank for a period of two years or till the disposal of the present appeal on merits whichever is earlier with liberty to renew the F.D.R. in future, if required.

4 The concerned Registrar of the learned Trial Court shall take requisite steps for disbursement of the compensation amount in favour of applicant after accepting the undertaking and forward the report to this Court to that effect.

5 Accordingly, the Application stands disposed of in above terms.

Waishali
Sushil
Waghmare

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by Waishali
Sushil
Waghmare
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(K.K. SONAWANE, J.)