

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

**CIVIL APPLICATION NO. 283 OF 2018
IN
FIRST APPEAL NO. 783 OF 2013**

Gayasuddin Abdul Raut	... Applicant
<i>IN THE MATTER OF</i>	
Future General India Insurance Co. Ltd.	... Appellant
Versus	
Gayasuddin Abdul Raut and another	... Respondents
.....	
Mr. A. M. Gokhale for Applicant.	
Sarbari Chatterjee i/b S. R. Singh & Co. for Appellant	

.....

**CORAM : K. K. SONAWANE, J.
DATE : 24th JULY, 2018.**

P. C.:

1. The applicant-original claimant moved the present application seeking permission to withdraw the compensation amount deposited before the learned Commissioner, Workmen's compensation in the proceedings bearing Application (WCA) No. 591/C-166/2010. The learned trial Court further appreciating the circumstances on record, partly allowed the petition for compensation. The impugned order is the subject matter of present appeal. The applicant-claimant seeks permission to withdraw the amount.

2. In view of reasons mentioned in the application and the grounds of appeal, there is no any impediment to allow the applicant-claimant to withdraw the amount to some extent in the interest of justice, definitely it would subserve the purpose.

3. Accordingly, civil application stands partly allowed. The applicant-claimant is hereby permitted to withdraw the lumpsum amount of Rs. 1,75,000/- from the compensation amount deposited on behalf of the appellant-insurance company before the learned Commissioner, Workmen's Compensation, Mumbai subject to condition that the applicant-claimant shall furnish undertaking that in case, any contingency arises he would refund the amount forthwith as directed by this Court. Rest of the balance decretal amount deposited in the trial Court i.e. Commissioner, Workmen's Compensation, Mumbai, shall be invested in FDR in any nationalised bank for a period of two years or till decision of the present Appeal on merit, whichever is earlier with liberty to renew the FDR in future, if any. The Registrar of the trial Court to do the needful for disbursement of amount in favour of applicant-claimant as mentioned above.

4. Accordingly, Civil Application stands disposed of in above terms. The

(K. K. SONAWANE, J.)

Shridhar
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