

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

**CIVIL APPLICATION NO.1119 OF 2018
IN
FIRST APPEAL (STAMP) NO.12960 OF 2015**

Chandreshwar Santoshi Yadav & Anr. ...Applicant
Versus
Bajaj Allianz General Ins. Co. Ltd. ...Respondents

.....

Ms Jyoti S. Bajpayee Pandey for the Applicant.
Ms Yogita Deshmukh i/b. Mr. M.M. Sathaye for the Respondent.

CORAM : SMT. ANUJA PRABHUDESSAI, J.

DATED: 21st MARCH, 2018.

P.C.:-

The Applicant has prayed for withdrawal of the amount deposited by the Respondent -Insurance company before the Labour Court, Mumbai.

2. By judgment and award dated 28.8.2014 passed by the Commissioner for Employees' Compensation and Judge, Sixth Labour Court, Mumbai, in Application (WCA) No.659/C-172 of 2011, the Labour Court has directed the Respondent-Insurance company to pay to the Applicant an amount of Rs.10,16,592/- with interest at the rate of Rs.12% per annum. The insurance company has deposited Rs. 13,68,461/- which is inclusive of interest. The Insurance company has

disputed that the Applicant had sustained injuries in the accident and has also challenged the quantum of compensation. Considering the grounds raised, in my considered view, at this stage the Applicant can be paid 25% of total compensation. Accordingly, 25% of the total consideration alongwith proportionate interest is ordered to be paid to the Applicant. The application stands disposed of.

3. It is made clear that payment is subject to final outcome of the appeal. The Applicant to file necessary undertaking before the Labour Court, Mumbai that he shall abide by the order that may be passed in the appeal.

(SMT. ANUJA PRABHUDESSAI, J.)