

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

**CIVIL APPLICATION NO. 1692 of 2017
IN
FIRST APPEAL NO. 2498 OF 2011**

Gorakhnath Ashok Gaikwad ...Applicant

In the matter between :-

The New India Assurance Company Ltd. ...Appellant

V/s.

Gorakhnath Ashok GaikwadRespondent

Mr. V.M. Parkar for the applicant.

Mr. S.M. Dange for the appellant / insurance company.

**CORAM: SMT. ANUJA PRABHUDESSAI, J.
DATED: 18th APRIL, 2018.**

P.C.:

. Heard the learned counsels for the respective parties.

2. By this application, the applicants have sought to withdraw the amount deposited by the appellant / insurance company before the Commissioner for Workmen's Compensation and Judge, 5th Labour Court, Incharge 4th Labour Court, Mumbai.

3. By judgment and award dated 26th July, 2010 in Application (WCA) No.93/C-38 of 2007, the Commissioner for Workmen's

Compensation and Judge, 5th Labour Court, Incharge 4th Labour Court, Mumbai has awarded compensation of Rs.3,21,282/- with interest @ 12% per annum to the respondent herein from the date of award till its realization.

4. The appellant / insurance company has disputed the employer / employee relationship. Considering this fact, 30% of the total compensation alongwith proportionate interest accrued thereon is ordered to be paid to the Applicant – Gorakhnath A. Gaikwad. The Commissioner, 5th Labour Court, Mumbai to invest the balance amount in any nationalized bank till the disposal of appeal.

5. It is made clear that the payment is subject to the final outcome of the appeal. The applicant shall give an undertaking before the 5th Labour Court, Mumbai that he will abide by the order that may be passed in the appeal.

6. Civil Application stands disposed of.

(SMT. ANUJA PRABHUDESSAI, J.)