

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

**CIVIL APPLICATION NO. 2718 OF 2018
IN
FIRST APPEAL STAMP NO. 8435 OF 2018**

Kuttelal Ramprasad Verma	... Applicant
<i>In the matter of</i>	
Future General India Insurance Co. Ltd.	... Applicant
Versus	
Kuttelal Ramprasad Verma and another	... Respondents
.....	
Mr. T.J. Mendon for Applicant.	
Mr. D. R. Mahadik for Respondent-insurance company.	
.....	

CORAM : K. K. SONAWANE, J.

DATE : 8th AUGUST, 2018.

P. C.:

1. Heard learned Counsel for the applicant-original claimant and learned Counsel for respondent-insurance company.

2. The applicant-original claimant preferred the present application, seeking permission to withdraw compensation amount deposited before the Commissioner for Workmens' Compensation, Mumbai in Application (ECA)488-C-115 of 2014.

3. Learned Counsel for respondent-insurance company raised objection and submits that the learned Commissioner granted

exorbitant and excessive amount of compensation in favour of the applicant. The relation in between the claimant and respondent being employee and employer is put in controversy in the appeal. Therefore, learned Counsel requested not to allow the applicant for withdrawal of amount.

4. In view of nature of the subject matter and grounds of appeal, I find that the applicant-original claimant be allowed to be withdraw at least Rs.2,50,000/- from the total compensation amount deposited before the learned trial Court on behalf of appellant-insurance company. Definitely, it would subserve the purpose. Learned trial Judge appreciated the evidence on record and awarded the compensation for the physical disability caused to the claimant following vehicular accident. In such circumstances, application deserves to be allowed to some extent on certain terms and conditions.

5. Accordingly, civil application stands partly allowed. The applicant is hereby permitted to withdraw lumpsum amount of Rs.2,50,000/- from the amount of compensation deposited in the trial Court in Application No. (ECA) 488-C-115 of 2014, subject to

condition that the applicant shall furnish undertaking that he would refund the amount so withdrawn forthwith in case any contingency arises in the appeal. Rest of the balance decretal amount be invested in any nationalised bank in FDR account for a period of two years or till final decision of appeal on merit, whichever is earlier, with liberty to renew FDR in future, if required.

6. Accordingly, Registry of the trial Court to take requisite steps for disbursement of the amount in favour of applicant and forward compliance report to this Court.

7. Accordingly, civil application stands disposed of in above terms.

(K. K. SONAWANE, J.)

Shridhar
Marutirao
Sutar

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