

Amk

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

**CIVIL APPLICATION NO. 2242 OF 2017
IN
FIRST APPEAL NO. 737 OF 2017**

Mr. Nitin Javantilal Chauhan .. Applicant

In the matter between

Bajaj Allianz General Insurance Co. Ltd. .. Appellant

Vs.

Mr. Nitin Javantilal Chauhan & Anr. .. Respondents

Ms. Sushma Gor for the Applicant.

Ms. Yogita Deshmukh Chitnis for the Appellant-Insurance Company.

CORAM : K. K. SONAWANE, J.

DATE : 10th AUGUST, 2018.

P. C. :

1. Heard learned Counsel for applicant-original claimant and learned Counsel for appellant-Insurance Company.
2. The applicant-original claimant preferred present application seeking permission to withdraw compensation amount of Rs.3,09,000/- deposited before the Commissioner for Employees Compensation, Thane in Application No. 320/C-83 of 2010. Learned Counsel for appellant-Insurance Company raised objection and submits that the learned Trial Court has awarded exorbitant and excessive compensation amount in favour of applicant-original claimant. The learned Counsel requested not to allow the applicant-claimant for withdrawal of the entire compensation amount deposited before the Trial Court.

3. In view of nature of subject matter and the findings recorded by the learned Trial Court, there is no impediment to allow the applicant-claimant to withdraw at least 75% of the compensation amount which accrues at Rs.2.25 lakhs. Definitely, in the interest of justice it would subserve the purpose to provide some sort of solace to the applicant-claimant.

4. Accordingly, the application stands allowed partly.

5. The applicant-original claimant is hereby permitted to withdraw lumpsum amount of Rs.2.25 lakhs from the compensation amount deposited by the appellant-Insurance Company before the learned Commissioner for Employees Compensation, Thane in Application No. 320/C-83 of 2010 subject to condition that the applicant-original claimant shall furnish undertaking that he would refund the amount so withdrawn forthwith, if any contingency arises in the appeal. Rest of the balance decretal amount lying before the learned Trial Court be invested in FDRs in any nationalized bank for a period of two years or till decision of the appeal whichever is earlier with liberty to renew FDR in future, if required.

6. The Registrar of the Commissioner for Employees Compensation, Thane to take requisite steps for disbursement of the amount as directed above in favour of the applicant-original claimant and file compliance report to this Court.

7. Accordingly, the Civil Application stands disposed of in above terms.

Arjun
Machhindra
Kadam

Digitally signed
by Arjun
Machhindra
Kadam
Date: 2018.08.16
12:30:19 +0530

[K. K. SONAWANE, J.]