

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

**CIVIL APPLICATION NO. 2668 OF 2018
IN
R.C. NO. 2418 OF 2016**

Mrs.Chandravati S. Dubey & Anr. ... Applicants

In the matter between

The New India Assurance Co. Ltd. ... Appellant

V/s.

Mrs.Chandravati S. Dubey & Ors. ... Respondents

- Mr.V.M. Parkar for the Applicants/Org. Respondents.
- Ms.Sushma P. Gor for the Appellant-Insurance Company.

CORAM : DR.SHALINI PHANSALKAR-JOSHI, J.

DATE : 26th SEPTEMBER, 2018.

P.C. :

1] This is an application filed by the original claimants seeking withdrawal of the entire amount of compensation along with interest which is lying with the Commissioner under the Employees Compensation Act and Judge, 10th Labour Court at Mumbai in Application (WCA) No.473/B-75/2009.

2] It is pointed out by learned counsel for the Applicants-Claimants that already the First Appeal is dismissed for default. So also, the Civil Application No.4398 of 2016 for condonation of delay

and the Civil Application No.3945 of 2016 for restoration of the Appeal is dismissed on 19/01/2017. Thereafter, another Civil Application (St.) No.18566 of 2017 was filed. It was also came to be dismissed on 24th April, 2018.

3] In view thereof, this Application filed by the Claimants for withdrawal of the amount of compensation deposited with the Commissioner needs to be allowed.

4] Accordingly, the Civil Application is allowed. The Applicants-Claimants are permitted to withdraw the entire amount of compensation along with interest lying with the Commissioner.

5] The Civil Application is disposed of in above terms.

[DR.SHALINI PHANSALKAR-JOSHI, J.]