

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

**CIVIL APPLICATION NO. 2087 OF 2017
IN
FIRST APPEAL NO. 766 OF 2017**

Shripati Sing Jhagdu Sing & Anr. ...Applicants

IN THE MATTER BETWEEN

M/s. Joshi Construction Company ...Appellant

Versus

Shripati Sing Jhagdu Singh & Ors. ...Respondents

.....

Mr. Mahindra Deshmukh for the Applicants.

Mr. Wasim Siddiqui a/w. Mr. Akshay Pawar I/b. Mr. Kunal Bhangre
for the Original Appellant in FA.

.....

**CORAM: MRS.MRIDULA BHATKAR, J.
DATED : FEBRUARY 07 , 2018**

P.C. :

1. Upon urgent mentioning, taken on Production Board.
2. This Application is moved by the applicants/original claimants for withdrawal of an amount of Rs. 9,00,880/- along with interest @12% p.a. deposited by the original appellant pursuant to the judgment and order dated 18th March, 2015 passed by the learned Commissioner for Employee's Compensation, At Mahad in

Application (WCA) No. 152/B-28/2012 from the date of accident.

3. The learned counsel for the applicants submitted that the applicants are the parents of the deceased. They have filed the claim application for the death of their son Sunil Sing, who died in the accident on 12th January, 2012. He was working as a painter. He died when he was on site. Till today, the applicants have not received any amount of the compensation and they are in need of money for their survival. Therefore, they be allowed to withdraw the amount deposited by the original appellant.

4. The learned Counsel for the original appellant on whom the liability of the payment of the amount of compensation has saddled by the learned Commissioner submits that the original appellant has deposited the entire decretal amount along with interest accrued thereon. He further submits that the deceased was hired by opponent no.2 and he was a contractual labour working with opponent no.2.

5. Considering the facts of the case and the submissions, the original claimants, i.e., parents of the deceased are allowed to withdraw an amount of Rs. 2,50,000/- each along with interest accrued thereon on an usual undertaking. The remaining amount is to be deposited in the fixed deposit in any nationalized bank.

6. Civil Application is allowed and is accordingly disposed of.

(MRIDULA BHATKAR, J.)