

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

**CIVIL APPLICATION NO. 1452 OF 2018
IN
FIRST APPEAL (ST.) NO. 34572 OF 2015**

Smt. Krishnavati Kalpanath Tiwari & Anr.	Applicants
<u>In the matter between :-</u>	
National Insurance Co. Ltd.	Appellant
V/s.	
Smt. Krishnavati Kalpanath Tiwari & Ors.	Respondents

Mr. Ketan Arun Dhavle for the applicants.
Mr. Amol Gatne for the appellant / insurance company.

**CORAM: SMT. ANUJA PRABHUDESSAI, J.
DATED: 11th 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 Employees Compensation and Judge, 10th Labour Court, Mumbai.
3. By judgment and award dated 30th April, 2015 in APPLICATION (WCA) NO. 660/B-118 OF 2012, the Commissioner for Employees Compensation and Judge, 10th Labour Court, Mumbai has awarded compensation of Rs.9,05,520/- with interest @ 12% per annum from

07/07/2012 till its realization and penalty to the extent of 50% of the compensation amount.

4. The amount awarded has already been deposited by the respondent/appellant before the Commissioner, Employees Compensation, Mumbai pursuant to the order dated 11th July, 2016 passed by this Court. Considering the fact that the respondent/appellant have challenged the liability as well as the quantum, 50% of the amount deposited by the respondent/appellant alongwith appropriate interest accrued thereon is ordered to be paid to the applicants. Out of said 50% of amount, 25% is ordered to be paid to the applicant no.1 alongwith appropriate interest accrued thereon. Since the Applicant No.2 is a minor, 25% of the amount deposited is ordered to be invested in any nationalized bank jointly in the name of applicant no.2 and applicant no.1 as his guardian, till the disposal of appeal. Applicant no.1 is permitted to withdraw the interest from the said account to meet expenses of the Applicant No.2. The balance amount of 50% be invested the balance amount in any nationalized bank in the names of the respective claimants till the disposal of appeal.

5. It is made clear that the payment is subject to the final outcome of the appeal. The applicant nos.1 and 2 (*respondents in appeal*) shall give an undertaking before the Tribunal that they will abide by the order that may be passed in the appeal.

6. Civil Application stands disposed of.

(SMT. ANUJA PRABHUDESSAI, J.)