

CM No.18413-CII of 2017 in
FAO No.5612 of 2017

National Insurance Company Limited through its Assistant Manager
Versus
Smt. Arshida & Ors.

Present:- None.

Registry has put up this file as aforementioned CM for returning the bank draft no.065325 dated 01.08.2017 amounting to Rs.25,000/- deposited with the registry of this Court remains pending.

This is an application filed by the insurance company under section 151 of CPC for returning the bank draft No. 065325 dated 01/08/2017 of Rs. 25,000 which was inadvertently deposited by the company with the cashier of this court on 08/08/2017, as there was no necessity to deposit the amount for filing the accompanying appeal as per the provisions of section 30 of The Workmen Compensation Act, 1923.

Vide order dated 08/11/2017, this court has already dismissed the aforementioned appeal filed by the insurance company. However, the present application filed under section 151 of CPC has remained pending. Thus, the said application is being disposed of through this order.

As is evident from the application itself, although the appellant-company had deposited the amount of Rs.25,000, however, there being no statutory provision for the insurance company-appellant to deposit the said amount, being not covered under the definition of employer as provided under Section 30 of the 1923 Act, this court deems it appropriate to direct the registry to remit the aforesaid amount of Rs. 25,000 to the court of

workmen compensation act, in order to adjust the said amount of Rs. 25,000/-against the total adjudicated amount of Rs. 7,33,818/- along with 12% interest to be paid to the claimants-respondents, in case it has not already been dispersed. If the insurance company has already satisfied the claim then, the commissioner would return the said amount of Rs. 25,000/- to the company-appellant.

Accordingly, the aforementioned application stands disposed in the aforementioned terms.

(JASWANT SINGH)
JUDGE

March 21, 2018
Vinay