

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

**992 CIVIL APPLICATION NO.9762 OF 2019
IN FA/1127/2019**

**ARCHANA SHYAM KADAM AND ORS
VERSUS
THR BR. MANAGER, FUTURE GENERALI INDIA INS. CO. LTD., AND ANR**

...
Advocate for Applicants : Mr. Shinde Ram S.
Advocate for respondent No.1 : Mr. T.P. Raje & R.H. Dahat
...

CORAM : SMT. VIBHA KANKANWADI, J.

DATE : 13th SEPTEMBER, 2019.

ORDER :

. Present application has been filed by the original claimants for withdrawal of the amount of compensation of Rs.14,46,130/- deposited with the Commissioner Workman's Compensation.

2. Learned Advocate appearing for respondent No.1 objects to the application on the ground that the cover note was issued by the insurance company, however, since the employer did not pay the amount of premium, the cover note was called back or cancelled. Only because the fact was not informed to the R.T.O., the amount of compensation has been saddled on the shoulders of the insurance company. Thus, the insurance

company is challenging its liability on the point that there was no contract between it and the respondent employer. The concerned Commissioner has examined the insurance policy which was produced by the applicant at Exhibit U-20 and therefore, it appears that the insurance company has been saddled with the amount of compensation. Under such circumstance, definitely, case is made out for partial withdrawal of the amount.

3. Applicant No.1 is allowed to withdraw amount of Rs.5,00,000/- and applicant Nos.2 and 3 are allowed to withdraw amount of Rs.1,00,000/- each subject to filing an undertaking within a period of eight weeks that they would make the said amount good, if directed at the time of final disposal of the appeal.

4. Civil Application stands disposed of accordingly.

(SMT. VIBHA KANKANWADI, J.)

SCM