

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

CIVIL APPLICATION NO.14090 OF 2019
IN
FIRST APPEAL (ST.) NO.11873 OF 2018
(Rehana Khatun Abas Ansari and others Vs. Poonam Sanjay Sharma and
another)

Mr. P.S. Agrawal, Advocate for the applicants
Mr. M.K. Goyanka, Advocate for respondent No.2

CORAM : MANGESH S. PATIL, J.

DATE : 03.12.2019

PER COURT :

Heard both the sides.

2. The dependents of the deceased who was driving the vehicle and suffered heart-attack are seeking to withdraw the amount of compensation awarded to them by the Commissioner of Employee's Compensation.

3. The learned Advocate for the Insurance Company submits that there is a serious dispute as to the cause of death of the deceased. The deceased was intoxicated and there is a reasonable doubt about he having died as a result of heart-attack, for any other reason but for the intoxication.

4. The Commissioner has relied upon the postmortem report to conclude that the deceased had died due to heart-attack. Considering these facts, the original claimants deserve to be paid 50% of the amount deposited by the Insurance Company. However, the original claimants consist of the widow and the two minor children of the deceased and therefore, only the widow can be allowed to withdraw some share which will not affect the interest of the minor children.

5. Applicant No.1 Rehana Khatun Abas Ansari is allowed to withdraw 50% of the amount of compensation deposited before the Commissioner of Employee's Compensation by furnishing usual undertaking to the satisfaction of the Commissioner.

6. The Commissioner shall invest the balance amount in any nationalized bank.

7. The application is disposed of.

[MANGESH S. PATIL]
JUDGE

