

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

**CIVIL APPLICATION NO. 2652 OF 2018
IN
FIRST APPEAL NO. 2249 OF 2008**

Parshuram Nanu Chavan	...	Applicant
<u>In the matter between :-</u>		
The New India Assurance Co. Ltd.	...	Appellant
V/s.		
Parshuram Nanu Chavan & Anr.	...	Respondents

- Mr.Yogendra Pendse for the Applicant.
- Mr.D.R. Mahadik for the Appellant.

CORAM : DR.SHALINI PHANSALKAR-JOSHI, J.

DATE : 23rd JANUARY, 2019.

P.C. :

- 1] Heard learned counsel for both the parties.
- 2] This Application is preferred by the original claimant seeking withdrawal of the entire amount of compensation deposited in the Court.
- 3] Learned counsel for the Appellant-Insurance Company opposes the application on the ground that the employer and employee relationship itself is disputed and in that view of the matter, the entire amount cannot be permitted to withdraw, as it would be difficult for the Appellant-Insurance Company to recover the same.

4] Learned counsel for the Applicant-Claimant, however, points out to the fact that the employer himself has not preferred any appeal or cross objection challenging the finding given by the trial Court.

5] In view thereof, the Applicant-Claimant is permitted to withdraw only 50% of the amount of compensation deposited in the Court, subject to furnishing of usual undertaking.

6] The Civil Application stands disposed of in above terms.

[DR.SHALINI PHANSALKAR-JOSHI, J.]