

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
Civil Application No. 810/2018

in
First Appeal No. 1190/2016

Office Notes, Office Memoranda of Coram, appearances, Court's orders or directions and Registrar's orders	Court's or Judge's orders.
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Mrs. Jyoti Bajpayee for the Applicant
Mrs. Yogita Deshmukh for the Respondent

CORAM : K.K.TATED, J.
DATED : APRIL, 12, 2019

P.C.

Heard. By this Civil Application, the Applicant - claimant seeks permission to withdraw the amount deposited by the Insurance Company as per the judgment and award dated 10.10.2015 passed by the 11th Labour Court, Mumbai in Application (ECA) No.919/B-165/2008 holding that the claimants are entitled to sum of Rs.3,98,800/- by way of compensation with 12% p.a. interest.

2 The learned counsel for the Applicant submits that the Applicant lost their son in the accident which occurred on 26.05.2008. She submits that both the Applicants are senior citizen and they do not have any source of income. Hence, the Civil Application.

3 Considering the submissions made by

the learned counsel for the Applicant and as both the Applicants are senior citizen, I am satisfied that the Applicants have made out a case for allowing the Applicants to withdraw some amount during pendency of the First Appeal.

4 Hence, following order is passed:

a. Both the Applicants are entitled to withdraw 25%, each, of the awarded amount, unconditionally, subject to outcome of the First Appeal.

b. Hearing of the First Appeal is expedited.

c. Insurance Company is directed to file paper book on or before 30.09.2019, failing which the First Appeal shall stand dismissed without further reference to the court.

d. Call R & P.

e. Liberty granted to the claimants to move this court for fixing early date of hearing, once the paper book is filed by the Insurance Company.

f. Civil application stands disposed off accordingly.

(K.K.TATED, J.)