

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

909 CIVIL APPLICATION NO.1776 OF 2020
IN FA/2683/2019

WITH
CIVIL APPLICATION NO.289 OF 2020
IN FAST NO.34541 OF 2019
RATNABAI SANJAY MAIRALE AND ORS
VERSUS
AMRUT ROADWAYS

Mr.B.R. Warmaa, Advocate for the applicants.
Mr.S.R. Patil, Advocate for respondent No.1.
Mr.V.N. Upadhye, Advocate for respondent No.2.

CORAM : N.J.JAMADAR,J.
DATE : 02.03.2021

PC :-

01. Heard learned Counsel for the applicants – original claimants and learned Counsel for respondent No.2-insurer.

02. The applicants seek withdrawal of the amount of compensation, which has been deposited by respondent No.2-insurer in terms of the award of the Commissioner for Workmen's Compensation dated 01.08.2018. The applicants are the widow and children of the deceased.

03. Learned Counsel for respondent No.2 – insurer resisted the prayer on the ground that the identity of the person, who died in the accident, itself is in the

corridor of uncertainty. In para 27 of the impugned judgment, learned Commissioner for Workmen's Compensation has arrived at a finding that it was husband of applicant No.1, who died in the accident.

04. In the circumstances, the reasons assigned for withdrawal of the amount appear justifiable.

Thus, the following order :-

The applicants are entitled to withdraw 75% of the amount deposited by respondent No.2 towards compensation along with interest accrued thereon, on furnishing an undertaking to the satisfaction of the learned Registrar (Judicial) of this Court.

05. The application stands disposed of.

06. The applicants herein also preferred another Civil Application, being Civil Application No.289 of 2020, for identical relief.

07. In view of aforesaid order, Civil Application No.289 of 2020 does not survive and stands disposed of.

[N.J.JAMADAR,J.]