

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

**CIVIL APPLICATION NO. 5144 OF 2021
IN/AND
CIVIL APPLICATION NO. 7436 OF 2019
IN
FIRST APPEAL NO. 1345 OF 2019**

Lata Laxman Salunke

..APPLICANT

VERSUS

The Dean,
Lokmanya Tilak Mahanagarpalika
General Hospital & Medical College,
Shiv (Sion), Mumbai

..RESPONDENT

....
Mr. S.B. Madde, Advocate for applicant
Mr. R.P. Adgaonkar, Advocate for respondent
....

**CORAM : R.G. AVACHAT, J.
DATED : 13th OCTOBER, 2021**

PER COURT :

1. Since Civil Application No. 7436 of 2019 is not pressed, same stands disposed of.
2. Heard. Perused the impugned award.
3. Learned counsel for the respondent very strongly objects for permitting withdrawal of amount. He submits that the accident took place while the deceased was crossing the railway line. As such, he was not on duty.

4. It is a claim by widow. The deceased was serving as Sweeper with the hospital of Brihanmumbai Municipal Corporation. It appears that the claim was decided ex parte.

5. In the fitness of things, the applicant is permitted to withdraw 75% amount in deposit alongwith interest accrued thereon on submitting usual undertaking before the Commissioner for Employees Compensation, Latur. The Commissioner to pay the said amount to the applicant forthwith and also to send the documents of undertaking to the registry of this Court immediately. Balance 25% amount be invested in fixed deposit with any of the nationalised bank, pending the appeal. Civil application stands disposed of accordingly.

(R.G. AVACHAT, J.)

SSD