

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO. 5874 OF 2018

Smt. Kaushlyabai Ajabrao Ranit ...Petitioner

Versus

State of Maharashtra and Anr. ...Respondents

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Mr. R.B.Dhakane, Advocate for Petitioner

Mr. Y.G.Gujarathi, A.G.P. for Respondent No. 1

Mr. S.S.Rathi, Advocate for Respondent No. 2

Mr. S.G.Chapalgaonkar appointed as Amicus Curiae

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CORAM : R. G. AVACHAT, J.

DATE : 17-02-2021.

ORDER :

01. Heard.

02. This petition has been filed seeking direction to the respondent to release in favour of the petitioner the remaining amount of compensation awarded by Commissioner for Workmen's Compensation cum Judge, Labour Court, Aurangabad.

03. The petitioner is a widow. Her unmarried son passed away. She, therefore, filed an application for compensation (W.C. No. 35/2014) under the provisions of

Workmen's Compensation Act. The learned Commissioner under W.C. Act, allowed the said application on 29.9.2016. A sum of Rs.10,67,789/- was payable to the petitioner. The respondent No. 2 insurance company accordingly deposited the amount. The Commissioner, however, directed to pay petitioner a sum of Rs.5,00,000/- and keep the balance amount (Rs.5,67,789/-) in fixed deposit in a nationalized bank for a period of 5 years.

04. According to the learned Counsel for the petitioner, the petitioner is in dire need of money. She is a widow. About 4 years and 4 months have passed since the Order directing to keep the amount in fixed deposit was passed. He, therefore, urged for allowing the writ petition.

05. Mr. S.G.Chapalgaonkar, learned Counsel, has duly assisted this Court by submitting that the Commissioner was within his powers to direct to keep the amount in fixed deposit. He placed reliance on Rule 10.

06. Since little over 4 years and 4 months have passed after the amount has been kept in fixed deposit, the object behind keeping the said amount in fixed deposit

appears to have, thus, been fulfilled. The applicant is a widow. She is in need of money. The petition, therefore, is allowed in terms of prayer clause B.

[R.G.AVACHAT]

JUDGE

Dahibhate/-