

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

Interim Application No. 893 / 2021
in
First Appeal Stamp No. 30965 / 2019

Shamsunnisa Mohd. Hassan Shaikh and Anr. .. Applicants

Vs.

The Regional Manager,
Oriental Insurance Co. Ltd. and Anr. .. Respondents

Mr. Pritesh K. Bohade, Advocate for the Applicants.
Ms. Urmila K. Sanil, Advocate for Respondent (Original Applicant).

CORAM : SANDEEP K. SHINDE J.
DATE : 23rd APRIL, 2021.
(Through Video Conference)

P.C. : -

Heard.

1. Applicants sought compensation under Section 4 (1-B) of Employees Compensation Act, 1923 vide application no. 113/B-24 of

2018. The learned Commissioner for Employees Compensation Act, 1923 directed the Opponent No. 1 and 2 to deposit Rs. 7,41,265/- jointly with simple interest at the rate of 12 % per annum from the date of accident i.e. 26th June, 2018 till its realization.

2. The Oriental Insurance Company Ltd. was the Opponent No. 2 and the Appellant in subject First Appeal.

3. The Applicant No. 1 is mother of deceased Tarik Ahmed Mohd. Hassan Shaikh, who was in employment of one Sarfraz Habib Khan (Original Opponent No.2). A finding is recorded that the deceased died in accident, which arose out of and in the course of employment.

4. The unfortunate incident had occurred in June, 2018. The Applicant No. 1 mother of deceased is a Senior Citizen. She has no source of income. The appeal is not likely to be heard in the short future. In consideration of these facts, the Applicant No. 1 is

permitted to withdraw Rs. 2,50,000/-.

5. The Applicant, Shamsunnia Mohd. Hassan Shaikh, shall file an Undertaking that the event, appeal is allowed and the impugned order is set aside, she shall bring back the entire amount withdrawn by her with interest accrued thereon at the rate of 4 % per annum.

6. The Applicant, Shamsunnia Mohd. Hassan Shaikh, shall file an application alongwith an Undertaking whereafter Executing Court shall process the application and pass appropriate order.

7. The Civil Application is disposed of in the aforesaid terms.

(SANDEEP K. SHINDE, J.)