

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
INTERIM APPLICATION NO.1301 OF 2021
IN
FIRST APPEAL NO.721 OF 2015
WITH
FIRST APPEAL NO.721 OF 2015**

Ramkumar Ramavadh Yadav and Ors. ...Applicants

Versus

The New India Assurance Co. Ltd. and
Anr. ...Respondents

....

Mr. Amol Gatne i/b. Ms Swati Mehta for the Applicants.
Mr. Devendranath S. Joshi for the Respondents.

CORAM : SMT. ANUJA PRABHUDESSAI, J.

DATED: 21st JUNE, 2021.

P.C.:-

The Applicants, who are the original claimants in A(WCA)No.157/B-37/2014 have filed this application for withdrawal of compensation deposited by the Appellant-Insurance Company.

2. By order dated 24/11/2014, the Commissioner for Workmen's Compensation, Mumbai / Judge, Labour Court, Mumbai had allowed the application filed by the Applicants under Section 4 r/w Section 22 of Employee's Compensation Act, 1923 and awarded compensation of Rs.7,27,356/- with interest @ 12% p.a. The Appellant-Insurance Company has challenged the said award and has deposited

the compensation alongwith interest as per the order of this Court in the stay application. The Applicant Nos.1 and 2, who are parents of the deceased were earlier permitted to withdraw compensation to the extent of 15% each.

3. Learned counsel for the Applicants states that the Applicants are senior citizens and they are in need of money for their medical and other day to day expenditures. He states that the other Applicants have no objection if the Applicant Nos.1 and 2 are permitted to withdraw the balance amount.

4. Having considered the grounds raised in the appeal memo as well as the reasons stated in the application, the Applicant Nos.1 and 2 are permitted to withdraw further compensation to the extent of 15% each with proportionate interest accrued thereon subject to an undertaking that the Applicants shall refund the said amount with interest in the event the Appellant succeeds in the appeal.

5. Application stands disposed of.

6. Considering that the appeal is pending since 2015, with consent matter is ordered to be listed on 26/07/2021 for admission.

(SMT. ANUJA PRABHUDESSAI, J.)