

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

**INTERIM APPLICATION NO. 743 OF 2021
IN
FIRST APPEAL NO. 102 OF 2021**

Keshar Gopal Singh Thakur Applicant

In the matter between :-

Reliance General Insurance Co. Ltd. Appellant

v/s.

Keshar Gopal Singh Thakur and anr. Respondents

**WITH
INTERIM APPLICATION NO. 554 OF 2021
IN
FIRST APPEAL NO. 102 OF 2021**

Reliance General Insurance Co. Ltd. Applicant

v/s.

Keshar Gopal Singh Thakur and anr. Respondents

Mrs. Kalpana Trivedi for the Applicant.

Mr. Amol Gatne i/b. Mrs. Swati Mehta for the Respondents.

CORAM: SMT. ANUJA PRABHUDESSAI, J.

DATED : 18th JUNE, 2021.

P. C. :-

ORDER IN INTERIM APPLICATION NO. 743 OF 2021 :-

. Not on board. With consent, taken on board.

2. The Applicant/Original Claimant has sought withdrawal of the compensation deposited by the Appellant – Insurance Company. It is

the case of the Applicant that he has sustained permanent disability of right eye to the extent of 54 percent which is treated as 100 percent functional disability.

3. Learned counsel for the Appellant states that the disability certificate has not been issued by an Ophthalmologist but has been issued by an Orthopedic Surgeon. She states that there is no evidence to indicate that the Applicant has sustained permanent disability to the right eye to the extent of 54 percent. The fact that the Applicant herein has suffered permanent disability is not in dispute. The dispute is only in respect of percentage of disability. Notwithstanding such dispute, as per the schedule, disability works out to 40%. Considering this fact, the Applicant is permitted to withdraw an amount of Rs.3,00,000/- which is deposited before the Commissioner for Employees Compensation and Judge, 10th Labour Court, Mumbai.

4. Interim Application No.743 of 2021 stands disposed of.

ORDER IN INTERIM APPLICATION NO. 554 OF 2021 :-

5. Since the Appellant has deposited the entire amount of compensation along with interest accrued thereon, execution and implementation of the impugned judgment and award dated

07/02/2020, is stayed till the disposal of the Appeal.

6. Interim Application No.554/2021 stands disposed of.

ORDER IN FIRST APPEAL NO. 102 OF 2021 :-

7. Appeal be listed on **12/07/2021** 'for admission'. Learned counsel for the Respondents states that private paper book will be filed before the due date. Parties are put to notice that an endeavour would be made to dispose of the Appeal finally at the stage of admission.

(SMT. ANUJA PRABHUDESSAI, J.)