

Shailaja

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
INTERIM APPLICATION NO.3780 OF 2019
IN
FIRST APPEAL [STAMP] NO.24596 OF 2018

Sangeetadevi Bacharaj Yadav and others] Applicants

Vs.

National Insurance Co. Ltd.] Respondent

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Mr. T.J. Mendon, for Applicant.

Mr. Rahul Mehta i/b KMC Legal Venture, for Respondents.

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CORAM : PRITHVIRAJ K. CHAVAN, J.

DATE : 22nd JANUARY, 2021.

P.C.

1. The applicants-claimants seek withdrawal of the amount deposited by the respondent-insurer with the office of the Commissioner for Workmen's Compensation at Mumbai.

2. Heard learned Counsel for the applicants and the respondent.

3. The reasons stated in paragraph 4 of the application are that the claimants have been deprived of income due to the death of the deceased and, therefore, for their survival, they need financial help, which they are now taking from relatives.

4. Mr. Mehta, learned Counsel for the respondent-insurer objects, however, in view of the reasons stated in the application, the applicants are permitted to withdraw 50% of the amount of compensation deposited by the respondent-insurer with the Office of the Commissioner for Workmen's compensation on 14th August, 2018 with accrued interest.

5. The applicants shall furnish undertaking at the time of withdrawal of the amount that if the respondent-original appellant succeeds in the appeal, the applicants shall return the amount with interest at such rate as would be directed by this Court, depending upon the outcome of the first appeal.

4. If the applicants do not file undertaking within the aforesaid period, the amount deposited by the respondent-insurer shall be invested by the Office of the Commissioner for Workmen's compensation in the fixed deposit of a Nationalized Bank for a period of one year and thereafter for one more year again after obtaining order from this Court.

6. If 50% amount is withdrawn by the applicant, balance amount shall be invested in a fixed deposit as stated above, in a Nationalized Bank.

7. The application stands disposed of.

[PRITHVIRAJ K. CHAVAN, J.]