

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

936 CIVIL APPLICATION NO.671 OF 2022
IN FA/3273/2021

SHAFIKA BANO SHAIKH ARIF AND ORS
VERSUS
CHOLAMANDALAM GENERAL INSURANCE CO. LTD., THR ITS BRANCH
MANAGER, AURANGABAD ANDANR

Mr.P.C. Mayure, Advocate for the applicants.

Mr.S.G. Chapalgaonkar, Advocate for the respondents.

CORAM : VINAY JOSHI, J.

DATED : 25.01.2022

PC :-

01. This is an application of original claimants seeking for withdrawal of compensation amount deposited in pursuance of order passed by the Commissioner in W.C.A. No.12 of 2020.

02. Other side has objected for withdrawal by contending that the deceased was mere cleaner and vehicle was stationary when he sustained electric shock.

03. Perused the impugned judgment and particularly gone through the insurance policy. The applicants' learned Counsel pointed out that the policy covers risk of cleaner under the Workmen's Compensation Act. It is pointed out that additional premium was paid and

therefore the insurance company is squarely liable. Moreover, it is contended that the appellant has admitted that the deceased was his employee. Prima facie it appears that the accident occurred during the course of employment.

04. Having regard to this fact, the applicants are permitted to withdraw 75% of the deposited amount on usual undertaking to be given before the Commissioner of Workmen's Compensation.

05. The application stands disposed of.

[VINAY JOSHI,J.]