

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

CIVIL APPLICATION NO. 6459 OF 2022
IN
FIRST APPEAL 470 OF 2022

ANKUSH SAMBHAJI BHALERAO DIED THR LRS
SHALINI AND OTHERS
VERSUS
THE NEW INDIA ASSURANCE CO. LTD THR ITS
AUTHORIZED OFFICIAL AURANGABAD AND OTHERS

....
Advocate for the applicant : Mr. R. D. Biradar
Advocate for respondent No.1 : Mr. A.S. Usmanpurkar
....

CORAM : S. G. DIGE, J.
DATE : 29.07.2022

PER COURT :-

Heard learned counsel for the applicants.

2. Learned counsel for the applicants submits that respondent has challenged the Judgment and award passed by learned Commissioner of Employees Compensation and Judge Labour Court, Latur on various grounds. The respondent has deposited entire award amount before Commissioner of Employees Compensation. Deceased was the husband of the applicant No.1 and father of applicant No.1-A to 1-C and applicant No.1-D is mother of the deceased. Deceased was Karta of the family. There is no source of income to the

applicants. They are facing starvation due to financial problem. The amount is required for education of applicant No.1-A to 1-C and for medical treatment of applicant 1-D. Hence requested to allow the application.

3. Learned counsel for the respondent strongly objected to allow the application on the ground that the FIR is lodged after two months of the incident. Applicant had fallen from the wall but in police report it is shown that he fell from the truck. The entire incident is vague and false. Hence if respondent succeeds in the appeal, it would be difficult for the respondent to recover the amount hence requested to dismiss the application.

4. I have heard both the learned counsel.

5. Applicant is widow of deceased. They need the amount for their day to day activities, for education of respondent No.1-A to 1-C and for medical treatment of applicant No.1-D. The grounds raised by the respondents can be considered at the time of final hearing but at this stage applicant cannot be deprived from getting money hence I pass the following order

ORDER

- (i) Application is allowed.
- (ii) Applicants are permitted to withdraw 25% amount on furnishing undertaking and 25% amount on furnishing solvent surety before the Commissioner of Employees Compensation.

Application is disposed of.

**(S.G. DIGE,)
JUDGE**

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