

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

972 CIVIL APPLICATION NO.11222 OF 2022
IN FIRST APPEAL NO.780 OF 2022

RUKMINBAI MAROTI GAWLE & OTHERS
VERSUS
CHOLAMANDALAM GENERAL INSURANCE CO. &
ANOTHER

...
Advocate for Applicants : Mr.Shrimant S. Mundhe
Advocate for Respondent no.1 : Mr.S.G.Chapalgaonkar
...

CORAM : S.G.DIGE, J.
DATE : 30.08.2022

P.C. :

1] Heard the learned counsel for the applicants
and the learned counsel for respondent no.1.

2] The learned counsel for the applicants submits
that the deceased died during the course of employment.
The Court of Commissioner compensation has granted
compensation to the applicants. The respondent no.1 has
challenged the said order and deposited the entire award
amount before the Court of Commissioner compensation.

Applicant no.1 is the widow and applicant nos.2 and 3 are son and daughter of the deceased. The deceased was Karta of family of the applicants. The amount is required for daily expenses of the applicants and education of applicant nos.2 and 3, hence, requested to allow the application.

3] The learned counsel for respondent no.1 submits that respondent no.1 has challenged the relationship of employer and employee. The deceased was sitting on the head of the tractor and he got died in the accident so risk of the person other than driver of the tractor was not covered. If the applicants are permitted to withdraw the amount and respondent succeeds in the appeal then it would be difficult for the respondents to recover the amount, hence, requested to dismiss the application.

4] I have heard both learned counsel. The deceased was the Karta of the family of the applicants. There is no source of income to the family of the applicants. The applicants need the amount for education of applicant

nos.2 and 3 and for their daily expenses, hence, I pass the following order:-

ORDER

- i] The application is allowed.

- ii] The applicants are permitted to withdraw 50% amount along with accrued interest thereon out of deposited amount on furnishing undertaking.

- iii] Civil Application is disposed of accordingly.

**[S.G.DIGE]
JUDGE**

DDC