

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

**913 CIVIL APPLICATION NO.11406 OF 2021
IN FA/2023/2019**

**RANGNATH MARUTI HAZARE
VERSUS
UDDHAV NARAYAN YADAV PATIL**

...
Advocate for Applicant : Mr.S.N. Lale Yelwatkar
Advocate for Respondent : Mr. B.N.Patil
...

CORAM : VINAY JOSHI, J.

DATE : 14th JANUARY 2022.

PER COURT :

1. This is an application by the original claimant seeking withdrawal of amount which has been deposited in pursuance of award passed by the Labour Court in application (WCA) No. 1 of 2017. The learned Labour Court held that the applicant has proved that he sustained injury arising out of and in the course of his employment.

2. The learned Labour Court assessed total compensation of Rs. 4,14,000/- and accordingly granted it along with interest.

3. Learned counsel appearing for the appellant (Original

Respondents) resisted this application by contending that the applicant was not in his employment.

4. Perused the impugned award and particularly the pleadings made by the parties before the learned Labour Court.

5. It reveals that the appellant/respondent has taken a plea before the learned Labour Court that he had spent money for medical treatment and hospitalization of the claimant. Moreover, the learned Labour Court has assigned reason while fixing liability. Having regard to these facts, I am inclined to grant partial withdrawal. In view of that application is allowed.

6. The respondent/Claimant is permitted to withdraw 50% of the amount on providing usual undertaking before the learned Labour Court.

7. Application stands disposed of.

(VINAY JOSHI, J.)