

WRIT PETITION NO. 12846 OF 2022

Seema Umakant Pawar and others .. Petitioners

Versus

Venkatraman Pundlik Metkar
and another .. Respondents

Shri Vaibhav B. Dhage, Advocate for the Petitioners.
Shri Mohit R. Deshmukh, Advocate for the Respondent No. 2.

CORAM : SANDEEP V. MARNE, J.
DATE : 19TH DECEMBER, 2022.

FINAL ORDER :

. This writ petition is filed for limited purpose of raising a challenge to clause (B) of para No. 3 of the operative portion of judgment and award dated 29.04.2022.

2. Learned counsel for petitioners submits that claimant No. 1 is the wife of the deceased and being major, no possible purpose would be served by keeping the amount of compensation in a fixed deposit. He would rely upon several orders passed by this Court under similar circumstance in First Appeals where such awards have been modified. Petitioner accordingly seeks modification of condition of keeping amount of compensation in fixed deposit and instead for permitting her to withdraw the same.

3. Mr. Mohit Deshmukh, learned counsel appearing for the respondent No. 2/Insurance Company, does not oppose modification of the condition, but submits that the petitioners have an appropriate remedy of filing a 'Day Application' to the Tribunal itself, who is competent to decide the same and modify the condition as tendered by petitioners.

4. Mr. Dhage, learned counsel for petitioners, on instructions, seeks leave to withdraw the petition with liberty to file appropriate application before the Tribunal for modification of the condition. The writ petition is dismissed as withdrawn. No costs.

[SANDEEP V. MARNE, J.]

bsb/Dec. 22