

R.M. AMBERKAR
(Private Secretary)

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

FIRST APPEAL NO. 1361 OF 2017
WITH
CIVIL APPLICATION NO. 4107 OF 2017
WITH
INTERIM APPLICATION NO. 10074 OF 2022

The New India Assurance Co Ltd .. Appellant
Versus
Amirulnisa Lukeman Khan & Anr. .. Respondents

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- Mr. Shrikant M. Dange for the Appellant
 - Mr. T.J. Mendon for the Respondents
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CORAM : MILIND N. JADHAV, J.
DATE : JULY 22, 2022

P.C.:

1. In the present First Appeal, the appellant company has deposited an amount of Rs. 11,38,283/- in the trial court. The compensation awarded to the respondent claimant is Rs. 6,02,904/- by the trial court.

2. Mr. Dange, learned counsel appearing for the Appellant submitted that the issue involved in the present appeal would also be, *inter alia*, restricted to the grant of interest by the trial court as also the maintainability of the application filed under Section 166 of the Employees Compensation Act, 1923 which has been framed by this court in First Appeal No. 105 of 2017 in its order dated 10.10.2019. Mr. Dange submitted that the deceased was driving the two wheeler

which had met with an accident wherein the pillion rider was the deceased in First Appeal No. 105 of 2017. Mr. Dange submitted that on parity, this appeal also deserves to be admitted.

3. Mr. Mendon graciously accepts the said position. Hence, admit.

4. This First Appeal shall be heard along with First Appeal No. 105 of 2017.

5. Interim application No. 10074 of 2022 has been filed by the respondent claimant for seeking withdrawal. Once again Mr. Dange in his usual fairness has not raised any objection. This court appreciates the stand taken by Mr. Dange. For the reasons mentioned in the application and the reasons given in the companion order passed today in First Appeal No. 105 of 2017, the respondent claimant is permitted to withdraw the amount of Rs. 6,00,000/- from the amount deposited before the trial court. In the event if an application is made by the respondent claimant for withdrawal of the said amount, the trial court shall dispose of the same within a period of one week from the date of such application. Interim application No. 10074 stands disposed of.

[MILIND N. JADHAV, J.]

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