

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR.

CIVIL APPLICATION (CAF) NO. 2663 OF 2021
IN
FIRST APPEAL NO. 402 OF 2020

Dr. Dilip Sahebrao Ambhore

...**VERSUS**...

Ranjana Wd/o. Gajanan Gawai and ors.

*Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders.*

Court's or Judge's order

Ms. Radhika G. Bajaj, Advocate for appellant.
Shri S.S.Bhalerao, Advocate for respondent nos. 1 to 3.

CORAM : SMT. M. S. JAWALKAR,J.

DATE : 20th JULY, 2022.

The present application is filed by the respondent nos. 1 to 3 / applicants / claimants for grant of permission to withdraw the amount deposited by the appellant.

2. The appeal is preferred challenging the judgment and award dated 03/09/2020 passed by learned Labour Court, Buldhana in Application (WC)(F) No. 8/2014.

3. The application is strongly opposed by learned counsel appearing for the appellant on the ground that there was no employer - employee relation of the deceased - Gajanan Gawai and therefore, it would be difficult to recover, if the amount is permitted to be withdrawn by the claimants. The appellant has deposited the compensation amount of Rs. 12,18,102/- in this Court.

4. Considering the reasons stated in the application, the purpose would be served if 25% of amount is permitted to be withdrawn by the claimants for the time being, subject to the undertaking that, if the appellant would succeed in the matter, the claimant will refund the amount as per final order of this Court in this appeal.

5. Accordingly, the application is disposed of.

6. List the matter for final hearing on 05/08/2022 as all evidence are required. All over, paper book is dispensed with.

(Smt. M.S. Jawalkar, J.)

B.T.Khapekar