

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

937 CIVIL APPLICATION NO.8432 OF 2023
IN FAST/2083/2023 WITH CA/824/2023 IN FAST/2083/2023 WITH CA/
826/2023 IN FAST/2083/2023

CHADRAKALA RAJENDRA JADHAVAR AND ANR
VERSUS
THE ORIENTAL INSURANCE CO.LTD THROUGH BR MANAGER
NEARBANK OF MAHARASHTRA TQ ANDDIST OSMANABAD

...
Advocate for Applicants : Mr. Deshmukh Ramraje A.
Advocate for Respondent No.1 : Mr. D. P. Deshpande
...

CORAM : ARUN R. PEDNEKER, J.

DATE : 08/09/2023

PER COURT :

Heard the learned Advocate appearing on behalf of both the parties. Under the Employee's Compensation Act, 1923 the appellant is held liable to pay the compensation and the Insurance Company is directed to pay the compensation amount and recover it from the employer /appellant. The Insurance Company has deposited the entire amount of compensation under the Employee's Compensation Act before the Tribunal.

2. The present application is filed for withdrawal of amount of compensation by the mother and father of the deceased respondent. The amount deposited is Rs.10,28,915/- before the Civil Judge, Senior

Division, Osmanabad. The Insurance Company has preferred appeal on the ground that the deceased was not employee of the respondent No.2 and also on the ground that deceased did not have a driving license at the relevant time. Finding is recorded by the Trial Court that the deceased was the employee of respondent No.2 and that although he did not hold driving license, this is a claim under the Employee's Compensation Act is maintainable.

3. Thus the applicants are permitted to withdraw 50 % of compensation amount along with accrued interest deposited in this Court on usual undertaking. Application is disposed of.

4. For the reasons stated in the application for condonation of delay of 21 days caused in filing appeal, the same is allowed and disposed of.

5. In the civil application filed for Stay, the learned Advocate for the applicants submits that the amount has been deposited in this Court as per the directions of this Court. In view of the same, the Stay order passed by this Court dated 23/01/2023, is confirmed. The application for Stay stand disposed of.

(ARUN R. PEDNEKER, J.)

vj gawade/-.