

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

**CIVIL APPLICATION NO.1648 OF 2020 IN
FIRST APPEAL ST. NO. 39425 OF 2019**

Shrirang Bajirao Raut & others

Applicants

Versus

President, the M. S. S. K. Ltd.,
Malegaon (Bu) & others

Respondents

Mr. S. B. Choudhari, advocate for the Applicants
Mr. D. P. Deshpande, advocate for Respondent No.5.

CORAM : SANDIPKUMAR C. MORE, J.

DATE : 25th April, 2023.

PC :

Leave to correct names of Respondents No.2 and 3 in the application, as per the appeal.

Heard rival submissions.

The applicants are seeking withdrawal of entire amount of compensation, which has been deposited by the appellant-Insurance Company.

However, learned Counsel for the appellant-Insurance Company has strongly opposed the application on the ground that the document of policy in this matter is of special nature and there is limited liability under the policy and the said policy is not under Workmen's Compensation Act. However, he further submitted that

the appellant-Insurance Company has already deposited Rs.1,60,000/-, through Respondents No.1 and 2, in the lower Court and he has no objection for withdrawal of that amount under the concept of limited liability.

Thus, the ground raised by the appellant-Insurance Company, in this appeal, goes to the root of the matter and needs thorough consideration.

The learned Counsel for the applicants, on instructions, submits that the applicants have already withdrawn an amount of Rs.1,00,000/- (Rs. One lakh) out of the said amount of Rs.1,60,000/- (Rs. One lakh Sixty thousand) from the lower Court.

As such, the applicants are now permitted to withdraw remaining amount of Rs.60,000/- (Rs. Sixty thousand) along with accrued interest thereon till date from the lower Court on furnishing usual undertaking to the satisfaction of concerned lower Court.

Civil Application is disposed of.

(SANDIPKUMAR C. MORE)
JUDGE

adb

**IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD
CIVIL APPLICATION NO. 14827 OF 2019 IN
FIRST APPEAL ST. NO. 39425 OF 2019**

The Oriental Insurance Co. Ltd.

Applicant

Versus

Shrirang Bajirao Raut & others

Respondents

Mr. D. P. Deshpande, advocate for the Applicant

Mr. S. B. Choudhari, advocate for Respondents No.1 to 3.

CORAM : SANDIPKUMAR C. MORE, J.

DATE : 25th April, 2023.

PC :

Heard rival submissions.

The applicant-Insurance Company is seeking condonation of delay of 269 days which appears to be caused due to obtaining approvals at various stages. There is no strong objection from the respondents-claimants.

Hence, by considering the statutory right of the applicant, delay of 269 days stands condoned.

Appeal be placed for admission after removal of office objections, if any.

Civil Application stands disposed of.

**(SANDIPKUMAR C. MORE)
JUDGE**

adb

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

**CIVIL APPLICATION NO. 14828 OF 2019 IN
FIRST APPEAL ST. NO. 39425 OF 2019**

The Oriental Insurance Co. Ltd.

Applicant

Versus

Shrirang Bajirao Raut & others

Respondents

Mr. D. P. Deshpande, advocate for the Applicant

Mr. S. B. Choudhari, advocate for Respondents No.1 to 3.

CORAM : SANDIPKUMAR C. MORE, J.

DATE : 25th April, 2023.

PC :

Since the applicant-Insurance Company has deposited entire amount of compensation with the learned trial Court, the application is made absolute in terms of prayer clause {B} and disposed of.

It is made clear that the respondents-claimants are at liberty to take out necessary proceedings for recovery against the other respondents except the present appellant.

**(SANDIPKUMAR C. MORE)
JUDGE**

adb