

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

945 CIVIL APPLICATION NO.2207 OF 2023
IN FA/1532/2022 WITH CA/9941/2022 IN FA/1532/2022

UTTAM S/O GANPATI SURAYAWANSHI
VERSUS
THE MANAGING DIRECTOR DR.BABASAHEB AMBEDKAR
SAHAKARI SAKHAR KARKHANA L.T.D.

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Advocate for Applicant : Mr. R. S. Shinde
Advocate for Respondent No.1 : Mr. A. V. Salunke
Advocate for Respondent No.5 : Mr. V. R. Mundada
Advocate for Respondent No.4 : Mr. S. N. Lale Yelwatkar

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CORAM : SANDIPKUMAR C. MORE, J.
DATED : 16/03/2023.

P. C. :

1. Heard rival submissions.
2. The applicants are seeking withdrawal of the entire amount of compensation, which has been deposited by the respondent No.4-insurance company alongwith the interest accrued thereon.
3. The learned counsel for the insurance company strongly opposed the application on the ground that the learned Commissioner by ignoring settled principle of law, has granted exorbitant amount of compensation. Even there was no evidence in respect of employer – employee relationship and the deceased had in fact died due to drowning.
4. In view of the same and considering the compensation granted by the learned Commissioner, the applicants are permitted to withdraw 50% of the deposited amount of compensation in lower court alongwith the proportionate interest accrued thereon till date

on usual undertaking to the satisfaction of the Commissioner.
Such amount be withdrawn after 30th of March, 2023.

5. The remaining amount be kept in FDR in any nationalized Bank on yearly renewal basis till final disposal of this appeal.
6. The civil application is accordingly disposed of.

(SANDIPKUMAR C. MORE, J.)