

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

90 CIVIL APPLICATION NO.13049 OF 2023
IN FAST/15835/2023 WITH CA/6227/2023 IN FAST/15835/2023 WITH
CA/6228/2023 IN FAST/15835/2023 WITH CA/13050/2023 IN
FAST/15835/2023

KHANDU NARAYAN BHAVAR
VERSUS
THE DIVISIONAL MANAGER, UNITED INDIA INSURANCE COMPANY
LTD. AND OTHERS

...
Advocate for Applicants : Mr. Katkar Avinash Babaurao
Advocate for Respondent No.1 : Mr. S. V. Kulkarni
Advocate for Respondent No.2 : Mr. G. K. Mane
...

CORAM : ARUN R. PEDNEKER, J.
DATE : 30/10/2023

PER COURT :

1. The first appeals are filed by the appellants challenging the order passed under the Employees Compensation Act, 1923 in granting compensation to the employees to the tune of Rs.3,18,773/-.
2. The Civil Applications No.13049 of 2023 and 13050 of 2023 are filed for withdrawal of amount deposited by Insurance Company with the labour Court, Aurangabad.
3. Heard the learned Advocate for the respective parties. The applicants/claimants are permitted to withdraw 60% of the amount deposited in the Labour Court, Aurangabad along with accrued interest on usual terms and conditions that may be imposed.

4. After submission of usual undertaking by the claimants/applicants, the Labour Court, Aurangabad is directed to release 60% of deposited amount to the applicant along with accrued interest .

5. The learned Advocate for the applicants submits that there is insufficient amount deposited and it is not in terms of the Section 30 of the Employees Compensation Act, 1923. However, the learned Advocate for the Insurance Company submits that the has filed certificate of the Commissioner that the amount is deposited and the certificate is attached with the appeal memo.

6. The learned Advocate for the claimants submits that the interest amount should also be deposited and that the certificate if granted is erroneous.

7. Liberty is granted to the applicants to file application to seek further deposit of amount. Application for withdrawal of amount is disposed of.

8. The Civil Application No.6227 of 2023 is filed for condonation of delay of 57 days. For the reasons stated in the application, the application for delay condonation is allowed and disposed of accordingly.

9. The Civil Application No.6228 of 2023 is 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 17/05/2023, in the application for stay, is confirmed. The application filed for Stay stand disposed of.

10. All the appeals are **admitted.**

11. After admission of the appeals, the learned Advocate Mr. A. B. Katkar waives service of notice on behalf of respective claimants.

(ARUN R. PEDNEKER, J.)

vj gawade/-.