

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

931 CIVIL APPLICATION NO. 7133 OF 2023
IN FIRST APPEAL (ST) NO. 959 OF 2023
WITH CA/1223/2023 IN FAST/959/2023
WITH CA/1224/2023 IN FAST/959/2023

LAXMAN VITTHAL ZATE AND ANOTHER
VERSUS
ICICI LOMBARD GENERAL INSURANCE COMPANY LTD
THROUGH ITS LEGAL OFFICER AND ANOTHER

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Mr. S.S. Dargad – Advocate for Applicants
Mr. S.S. Patil h/f. Mr. R.H. Dahat – Advocate for Respondent
No.1

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CORAM : SANDIPKUMAR C. MORE, J.
DATE : 16th June, 2023

PER COURT :

CIVIL APPLICATION NO. 7133 OF 2023

1. Heard rival submissions.
2. The applicants are seeking withdrawal of the entire amount of compensation, which has been deposited by the appellant – Insurance Company alongwith the interest accrued thereon with learned Commissioner / Civil Judge Senior Division, Ambajogai, Dist. Beed.

3. The learned Counsel for the Insurance Company strongly opposed the application on the ground that, the learned Tribunal has granted exorbitant amount of compensation by ignoring that there was no employer – employee relationship.

4. However, considering the contents of impugned judgment, I am of the opinion the applicants are to be permitted to withdraw certain amount of compensation at this juncture. As such, they are permitted to withdraw 75% of the deposited amount of compensation alongwith the proportionate interest accrued thereon till date on furnishing usual undertaking to the satisfaction of the learned Commissioner i.e. Civil Judge Senior Division, Ambajogai, Dist. Beed.

5. The remaining amount be kept in F.D.R. in any nationalized Bank on yearly renewal basis till final disposal of this appeal.

6. The civil application is accordingly disposed of.

CIVIL APPLICATION NO. 1223 OF 2023

7. The appellant – Insurance Company is seeking condonation of delay of 243 days, which appears to be cause due to obtaining sanctions at various stages. There is not strong objection from other side and therefore the delay of 243 days stands condoned.

8. The appeal be placed for admission after removal of office objections, if any.

9. The application is accordingly disposed of.

CIVIL APPLICATION NO. 1224 OF 2023

10. Since the appellant – Insurance Company has deposited amount of compensation with the learned Commissioner / Civil Judge Senior Division, Ambajogai, Dist. Beed, the application is made absolute in terms of prayer clause – B and disposed of.

**[SANDIPKUMAR C. MORE]
JUDGE**