

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

965 CIVIL APPLICATION NO.14358 OF 2022
IN FA/215/2022 WITH CA/915/2023 IN FA/215/2022

SHOBHABAI GYANOBA KADAM
VERSUS
UNITED INDIA INSURANCE CO. LTD., THR ITS DIVISION OFFICE,
DIVISIONAL MANAGER, AURANGABAD AND OTHERS

...
Advocate for Applicant : Mr. B.N. Gadegaonkar
Advocate for Respondent 1 : Mr. S.V. Kulkarni
...

CORAM : ARUN R. PEDNEKER, J.
DATED : 01/09/2023

PER COURT :

1. Civil Application No. 14358/2022 is filed for withdrawal of amount of the share of applicant in the compensation amount.
2. In an appeal filed by the Insurance Company, the Labour Court vide order dated 11.2.2020 has granted compensation amount of Rs.8,90,840/- to the claimants along with interest at the rate of 12% p.a. from 4.4.2015 under the Employees Compensation Act, 1923. It is ground in appeal that the deceased was suffering from epilepsy and it cannot be said that death of the deceased is caused out of or during the course of his employment.
3. It is admitted position and record indicates that the employee/deceased died at the work site. As such prima facie, it cannot be said that deceased employee has not died in connection of his duties. There is also evidence on record that deceased was doing labour work on the work site and he fell down.
4. Present applicant Shobhabai is mother of the deceased and father of the deceased - Gyanoba has expired. Present applicant and one more son are the legal heirs of Gyanoba. In view of the same, present applicant is

permitted to withdraw amount of Rs.7,00,000/- (Rupees seven lakh only) from the amount deposited in this Court. The application for withdrawal of amount is disposed of.

3. Issue notice in Civil Application No. 915/2023, returnable on 13.10.2023. Learned counsel Mr. B.N. Gadegaonkar waives notice for respondent No. 2.

[ARUN R. PEDNEKER J.]

ssc/