



Shailaja

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
INTERIM APPLICATION NO.694 OF 2023
IN
FIRST APPEAL [STAMP] NO.32775 OF 2022

Vijay Machhindra Zaware] Applicant
Vs.]
Iffco Tokio General Insurance,]
Thane, through Its Manager and another] Respondents

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Ms. Rina Kundu, for Applicant.

Ms. Deepika Prabhala a/w Ms. Nikita Singh i/b Res Juris, for
Respondent No.1.

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CORAM : PRITHVIRAJ K. CHAVAN, J.

DATE : 13th September, 2023.

P.C.

1. This is an application seeking withdrawal of the amount of compensation deposited by respondent No.1.

2. Learned Counsel for respondent No.1 objects the prayer on the ground that respondent No.1 has good case on merits. In case, respondent No.1 succeeds, it would be difficult to recover the amount.

3. In view of the fact that it being a welfare legislation, amount of compensation will have to be paid to the applicant-employee in

view of the fact that employee had sustained serious bodily injuries during the course of his employment with his employer as a cleaner on a motor tempo truck bearing No. MH-17-AG-3389. The Court below has observed that the employee suffered 70% loss of his earning capacity due to the said accident which has resulted into disability. For the said reason, application is allowed in terms of prayer clause (a). Commissioner Employees Compensation, Thane shall pay the amount of compensation with accrued interest, if any, to the employee.

4. The application stands disposed of.

[PRITHVIRAJ K. CHAVAN, J.]