

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

**INTERIM APPLICATION NO. 3360 OF 2023
IN
FIRST APPEAL NO. 394 OF 2022**

Walmik Tukaram Elinje ... Applicant

IN THE MATTER BETWEEN

New India Assurance Co. Ltd., Nashik ... Appellant

Versus

Walmik Tukaram Elinje And Ors. ... Respondents

.....

Mr. Sachin Gite, for the Applicant in IA No. 3360 of 2023 and for the Respondents in FA No. 394 of 2022.

Ms. Jyoti Bajpayee, for the Appellant in FA No.394 of 2022 and for the Respondent in IA No. 3360 of 2023.

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CORAM : PRITHVIRAJ K. CHAVAN, J.

DATED : 2nd MAY, 2023.

P.C.

Heard learned Counsel for the applicant. He submits that the employer-respondent No.2 has not challenged the impugned judgment and order dated 12th August, 2021 passed by Commissioner for Employees Compensation and Labour Court, Nashik.

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2 Learned Counsel for insurer submits that the employer has not appeared in this Appeal.

3 In that view of the matter, application is allowed in terms of prayer clause (a), which reads as under:

“ a) Pending the hearing and final disposal of the present First Appeal, the Applicant may be allowed to withdraw the entire amount of the compensation of Rs.7,36,185/- deposited by the Respondent No.2 on such terms and conditions as this Hon’ble Court may deem fit and proper.”

4 Application is disposed of.

[PRITHVIRAJ K. CHAVAN, J.]