

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

**INTERIM APPLICATION NO. 16851 OF 2022
IN
FIRST APPEAL (ST) NO. 14775 OF 2016**

Prabhavati Kailash Maurya And Ors. ...Applicants

In the matter between :

The Oriental Insurance Co Ltd. ...Appellant

Vs.

Prabhavati Kailash Maurya And Ors. ...Respondents

Mr. K. K. Mishra for Applicants.

Mr. Devendranath S. Joshi for Appellant.

CORAM : NITIN B. SURYAWANSHI, J.

DATED : 29TH NOVEMBER 2023

P. C. :

1. This Application seeks withdrawal of amount deposited by Appellant. By filing First Appeal appellant has challenged Judgment and Award passed by learned Commissioner of Workmen's Compensation, thereby awarding compensation of Rs.3,56,980/- alongwith interest, on account of death of Kailash Mourya. Pursuant to the Award, Appellant has deposited an amount of Rs.9,53,137/- on 12th August, 2022.

2. Considering the fact that accident had taken place in the year 2004 and the claim was filed in the year 2011, which was allowed on 10th December, 2015 and for the reasons stated in the Application, the Application deserves to be partly allowed.

3. Hence the Order :

(i) Applicant/Claimants are permitted to withdraw an amount of Rs.5,00,000/- on furnishing undertaking.

(ii) Remaining amount shall be deposited in the Fixed Deposit to be renewed from time to time.

(iii) Interim Application No. 16851 of 2022 is partly allowed to the above extent.

[NITIN B. SURYAWANSHI, J.]

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