

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

**INTERIM APPLICATION NO.17512 OF 2023
IN
FIRST APPEAL (ST) NO. 7824 OF 2022**

Punam Devi Widow Of Deceased
Bhuneshwar Mahto

...Applicant

IN THE MATTER BETWEEN :

Reliance General Insurance Company
Ltd., Thane

...Appellant

Vs.

Smt. Punam Devi And Ors.

...Respondents

Mr. Vishwambhar M. Parkar for Applicant.

Mr. Roshan Bamane h/f Ms. Kalpana Trivedi for Appellant-Reliance
Co.

CORAM : NITIN B. SURYAWANSHI, J.

DATED : 1ST DECEMBER 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 for Employee's Compensation, thereby awarding compensation of Rs.8,31,920/- alongwith interest, on account of death of

Bhuneshwar Khir Mahto. Pursuant to the Award, Appellant has deposited an amount of Rs.12,53,998/- on 7th October, 2022.

2. Learned Advocate for Appellant vehemently opposed the Application and states that he has good grounds to succeed in Appeal and learned Commissioner of Employee's Compensation was not justified in awarding the compensation to the claimants. According to him exorbitant amount is awarded.

3. For the reasons stated in the Application and considering the fact that the death has occurred in the year 2016 and the claim was filed in the year 2017, which was allowed on 7th December, 2021, the Application deserves to be allowed.

Order

- (i) Application is allowed in terms of prayer clause (a).
- (ii) Applicant/Claimant is permitted to withdraw 25% amount out of the amount of Rs.8,31,920/- deposited by Appellant on furnishing undertaking.
- (iii) Remaining amount shall be deposited in the Fixed Deposit to be renewed from time to time.
- (iv) Interim Application No. 17512 of 2023 is allowed to the above extent.

[NITIN B. SURYAWANSHI, J.]