

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

**INTERIM APPLICATION NO. 16280 OF 2023
IN
FIRST APPEAL NO. 1288 OF 2022**

Ramsevak Jagannath Yadav & Anr. ...Applicants
Versus
M/s. M. R. V. Construction & Anr. ...Respondents

Mr. Devendra Joshi for the Applicants.
Mr. T. J. Mendon for Respondent Nos.1 & 2.

CORAM : NITIN B. SURYAWANSHI, J.

DATED : 30TH NOVEMBER, 2023

P.C.:

1. This Application is filed for withdrawal of the amount deposited by Respondent-Insurance Company, in terms of order passed by learned Commissioner for Employees' Compensation at Mumbai. Pursuant to the award an amount of Rs.4,45,420/- is deposited by Insurance Company.
2. Learned Advocate for the Respondent-Insurance Company by placing reliance on the reply filed to the present Application submits that the Insurance Company is not liable to pay the amount and the liability is that of owner alone. He also submits that considering the payment given to the deceased workman, liability of the Insurance Company is limited to the extent of declaration filed by the Insured

with the Insurance Company, while taking a policy.

3. Considering the fact that deceased-Pankaj Kumar @ Ramsevak Yadav expired in an accident dated 20/03/2010 and learned Commissioner has passed impugned award on 20/01/2021 and for the reasons stated in the Application, the Application deserves to be allowed.

4. In a result, Application is allowed. Applicants are permitted to withdraw the amount deposited by the Respondent-Insurance Company, alongwith accrued interest, on furnishing an undertaking.

(NITIN B. SURYAWANSHI, J.)