

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

**INTERIM APPLICATION NO. 661 OF 2023
IN
FIRST APPEAL (STAMP) NO. 5574 OF 2018**

Ritadevi Radheshyam Chowdhary And Ors. ... Applicants

IN THE MATTER BETWEEN

M/s New India Assurance Company Limited ... Appellant

Versus

Ritadevi Radheshyam Chowdhary And Ors. ... Respondents

.....

Ms. Rina Kundu, for the Applicants in IA and for the Respondents in FA.

Ms. Jyoti Bajpayee, for the Appellant in FA.

.....

CORAM : PRITHVIRAJ K. CHAVAN, J.

DATED : 26th APRIL, 2023.

P.C.

This is an application seeking withdrawal of the amount of compensation deposited by the appellant-insurer pursuant to the judgment and order dated 11th August, 2017 passed by the Court of Workman's Compensation, Thane.

2 Learned Counsel for the appellant objects for withdrawal of

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the amount, as according to her, in case the Appeal succeeds it would be difficult to recover the amount.

3 The applicants are permitted to withdraw 50% of amount deposited by the appellant-insurer with an undertaking that in case the Appeal succeeds, they will refund the amount with accrued interest, if any.

4 Application is disposed of in the aforesaid terms.

[PRITHVIRAJ K. CHAVAN, J.]