

AGK

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

**CIVIL APPLICATION NO.2999 OF 2018
IN
FIRST APPEAL NO.272 OF 2020**

Digitally
signed by
ATUL
GANESH
KULKARNI
Date:
2023.01.25
10:27:18
+05'30'

Iffco-Tokio General Insurance Co. Ltd
through its authorized representative
Mr. Sunnu Bhandari ... Applicant

V/s.

Sameer Mehaboob Khan & Anr. ... Respondents

**WITH
CIVIL APPLICATION NO.2577 OF 2019
IN
FIRST APPEAL NO.272 OF 2020**

Sameer Mehboob Khan ... Applicant

V/s.

Iffco-Tokio General Insurance Co. Ltd &
Anr. ... Respondents

Mr. Rajesh Kanojia with Ms. Ankita Kale i/by Res Juris
for the applicant.

Mr. Onkar Warange for respondent no.2.

CORAM : AMIT BORKAR, J.

DATED : JANUARY 24, 2023

P.C.:

CIVIL APPLICATION NO.2577 OF 2019:

1. The claimants have filed present civil application seeking

withdrawal of compensation granted by the Commissioner for Employees Compensation. The Trial Court by the impugned order directed the appellants to pay an amount of Rs.9,67,968/- (Rupees Nine Lakh Sixty Seven Thousand Nine Hundred Sixty Eight Only) along with interest at the rate of 12% per annum.

2. According to the appellant, the claimants have failed to prove employer-employee relationship and the disability certificate has been issued by non-treating doctor.

3. Considering the said ground, the applicant has made out a case for grant of permission to withdraw 50% of the decretal amount from the Trial Court, subject to filing an undertaking within eight (8) weeks from today with the Trial Court stating that in case the appeal is decided against the respondents, they shall reimburse the appellant amount withdrawn along with interest at the prevalent bank rate.

4. The civil application is disposed of in above terms. No costs.

(AMIT BORKAR, J.)