

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR.

CIVIL APPLICATION (F) NO.729 OF 2023

IN

FIRST APPEAL NO.333 OF 2022

[Doliram S/o Laxman Tembhekar ..V/s.. Anandrao S/o Dhondur Raut and
Ors.]

*Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders.*

Court's or Judge's order

Mr D. P. Bhongade, Advocate for Applicant/Appellant.
Mr S. W. Sambre, Advocate for Respondent Nos.1 and 2.

CORAM : URMILA JOSHI-PHALKE, J.

DATE : 14th MARCH, 2023.

. This application is for seeking permission for withdrawal of the amount of compensation of Rs.13,14,606/-.

2. The appellant has challenged the impugned order of the Commissioner before this Court and by way of statutory pre-condition, amount is deposited. The applicants, who are the original claimants are seeking permission to withdraw the compensation amount on the ground that they are the old parents of the deceased having no source of income. The deceased was the only one son and only earning member of their family. Due to the untimely death, the parents are suffering from starvation, and therefore, they may be permitted to withdraw the amount of compensation.

3. Said application is strongly opposed by the learned Advocate Mr Bhongade on the ground that the appellant has challenged the quantum of the compensation which is awarded.

4. In view of the reasons mentioned in the application and considering the objection raised, it will be just and appropriate to permit the original claimants to withdraw the 75% amount on usual undertaking to the effect that if appellant succeeds in the appeal and this Court directs to refund the amount, the applicants to refund the amount to the appellant.

5. Civil application is disposed of.

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6. Learned Advocate for the claimants submitted that the only issue regarding the quantum of compensation is involved and it can be disposed of at admission stage.

7. Record and Proceedings is yet to be received. Re-issue reminder to the Labour Court, Bhandara for sending the record and proceedings.

8. Appeal be placed before the Court after record and proceedings is received.

JUDGE