

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR

CIVIL APPLICATION (CAF) NO.413/2020
IN F.A. ST. 936/2020

Yogesh S/O Dattatraya Kharode Vs Smt. Seema Wd/O Yogesh Ingle & Others

Office Notes, Office Memoranda of
Coram, appearances, Court's Orders
or directions and Registrar's order

Court's or Judge's Order

Ms Gayatri Diwe, Adv. h/f Mr P.R. Agrawal, Advocate for the
appellant /applicant.

Ms R.S. Suryawanshi, Advocate for the respondent Nos. 1 to 6.

Mr A.M. Kukday, Advocate for the respondent No.8.

CORAM : URMILA JOSHI-PHALKE, J.
DATED : 01/03/2023.

1. Heard.
2. The present application is filed by the applicant/
appellant for condonation of delay which is caused in
preferring the judgment and award dated 13/09/2019
passed by the learned Commissioner, under Workmen's
Compensation Act.
3. As per the contention of the appellant, she has raised
prima-facie substantial question of law in the
accompanying memo of appeal, the impugned judgment
and award is of dated 13/09/2019. The appeal could not be
filed due to financial constraints and as soon as the
appellant has managed the amount for depositing the same
in the Court against the compensation amount, she
preferred the appeal.

4. It is further contention of the appellant that, the appellant file an additional affidavit assigning the reason for the delay

Place the application on 15/03/2023.

Civil Application (CAF) 1176/2022

1. The present application is filed by the claimants for withdrawal of the amount of Rs. 7,35,910/-.
2. As per the contention of the respondent Nos. 1 to 6 are suffering from financial hardship as the whole family was fully dependent on the income of the deceased. Due to the Lock-down, the financial condition of the respondents is weak and they be permitted to withdraw the compensation amount.
3. The application is strongly opposed by Ms. Gayatri Diwe, advocate h/f Mr P.R.Agrawal for the appellant.
4. Perused the application and the objection raised. The appellant is the employer and preferred the appeal against the judgment and award passed by the Commissioner. She submitted that the appellant is not liable to pay compensation, however, in view of the statutory provision, the compensation amount is deposited. If the claimants are permitted to withdraw the amount and if he succeeds in the appeal, it will be difficult for the appellant to recover the same.

5. In view of the reasons mentioned in the application and the objection raised, at this stage it will be appropriate and just to permit the respondent /original claimant Nos. 1 to 6 to withdraw 50% of the amount on the usual undertaking.

Civil application is disposed of.

JUDGE