

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

20 CIVIL APPLICATION NO. 2821 OF 2024
IN FA/3048/2023

RESHMA DINESH SHINDE AND ORS
VERSUS
KETANKUMAR VITHALBHAI PADALIYA AND ANR

...
Advocate for Applicant : Mr. Sushant Baburao Choudhari
Advocate for Respondent No. 2 : Mr. S.S. Patil h/f Mr. R.H.
Dahat
...

CORAM : KISHORE C. SANT, J.
DATE : 03rd JULY, 2024.

PER COURT :

1. Heard.
2. The application is for withdrawal of the amount deposited by the appellant Insurance Company in the office of learned Commissioner, Osmanabad and CJSD, under the Employees Compensation Act, pursuant to the order dated 09.03.2023 in WCFA No. 40 of 2019.
3. The application is vehemently opposed by the learned Advocate for the appellant. He submits that though the

salary of the deceased was only Rs. 8,000/-, the Court has taken it to be of 12,000/- without any material on record. He submits that as per interpretation of the Employees Compensation Act, the salary of the driver till the date of notification i.e. dated 03.01.2020 was Rs. 8,000/- and from 03.01.2020 it was Rs. 15,000/-. An accident took place on 10.05.2019 and therefore, the salary ought to have been considered as Rs. 8,000/-.

4. Be that as it may, even considering the compensation this Court finds that the interest of justice will meet by directing the learned Commissioner to release 60% of the amount alongwith accrued interest, in favour of the Claimants/present applicants on furnishing usual undertaking that in case the appeal is allowed the Claimants shall re-deposit the said amount alongwith interest in the office of this Court, within twelve weeks after such judgment. With this the Civil Application stands allowed and disposed off.

(KISHORE C. SANT)
JUDGE

mahajansb/