



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

57 CIVIL APPLICATION NO. 2943 OF 2024
IN FA/1498/2024

SMT. YAMUNABAI WD/D GYANOBA HIWANT
VERSUS
THE MANAGER NEW INDIA ASSURANCE COMPNAY LTD AND ANR

...
Advocate for Applicant : Mr. Dhage Vaibhav B.
Advocate for Respondent 1 : Mr. V.R. Mundada
...

CORAM : KISHORE C. SANT, J.

Dated : July 16, 2024

PER COURT :-

1. Heard. This application is by the original claimant for withdrawal of amount deposited by the Insurance Company with the learned Commissioner and Labour Court, Nanded under Employees Compensation Act pursuant to the judgment and award in Orig. Application (WC) No. 3/2021.
2. The learned advocate for the appellant/Insurance Company vehemently opposes the application. He submits that the income of the applicant is considered to be on higher side and as per the notification which is subsequently issued after the accident, the wages are considered to be Rs. 15,000/- instead of Rs.8,000/-.
3. Considering that aspect, this Court finds that 50% amount can be allowed to be withdrawn by the applicant. Hence, the following order.

ORDER

- (i) Applicant is permitted to withdraw 50% of the amount deposited by the Appellant/Insurance Company along with accrued interest lying in the office of learned Commissioner and Labour Court, Nanded under Employees

Compensation Act on furnishing usual undertaking. The learned Commissioner is directed to allow the applicant to withdraw 50% of the amount deposited in its court on furnishing usual undertaking.

(ii) Balance amount be invested in fixed deposit in any nationalized bank till the disposal of the present appeal.

(KISHORE C. SANT, J.)

ssc/