



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

23 CIVIL APPLICATION NO. 6555 OF 2024
IN FAST/37968/2023

SATYABHAMA DIGAMBAR SHINDE

VERSUS

THE BRANCH MANAGER NEW INDIA ASSURNACE COMPANY LTD AND ANR

...

Advocate for Applicant : Mr. Patel Fayaz K.

Advocate for Respondent 1 : Mr. A.B. Kadethankar

...

CORAM : KISHORE C. SANT, J.

Dated : July 16, 2024

PER COURT :-

1. Heard. This application is for withdrawal of the amount deposited by the Appellant/Insurance Company in the office of learned Commissioner under the Employees Compensation Act. The applicant is the mother of the deceased. The application is vehemently opposed by the learned advocate for the appellant. He submits that in the appeal the very relationship of employer and employee is challenged.
2. After hearing the parties, this Court finds that since there is already order in favour of the applicant/claimant, it would not be in the interest of justice to keep the amount idle in the office of Commissioner. Hence, the following order.

ORDER

(i) The applicant is entitled to receive 50% of the amount deposited by the Appellant/Insurance Company along with accrued interest deposited with the Commissioner under Employees Compensation Act on furnishing undertaking that in case the appeal is decided against her, she will re-deposit the amount with Commissioner within twelve weeks of such judgment. The learned Commissioner is directed to disburse the amount as above to the applicant on getting usual undertaking.

(KISHORE C. SANT, J.)

ssc/