



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

915 CIVIL APPLICATION NO. 4469 OF 2024
IN FAST/12031/2024
WITH
CIVIL APPLICATION NO. 4470 OF 2024
IN FAST/12031/2024
WITH
CIVIL APPLICATION NO. 5392 OF 2024
IN FAST/12031/2024

United India Insurance Company Ltd Through Its Branch Manager
VERSUS

Ashok S/0 Hanuman Kopner And Ors

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Advocate for Applicant : Mr. V.R. Mundada
Advocate for Respondent 1 : Mr. P.C. Mayure

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CORAM : KISHORE C. SANT, J.

Dated : June 13, 2024

PER COURT :-

1. Civil Application No. 5392/2024 is filed by the original claimant, who is injured, for withdrawal of amount of compensation awarded by the learned Commissioner under Employees Compensation Act dated 18.10.2023. The learned Commissioner was pleased to direct the Insurance Company to pay compensation of Rs. 5,31,288/- along with interest at the rate of 12% p.a. from the date of accident till it's realization.
2. The Insurance Company has filed this appeal only to the extent of challenging the order to the extent of directing the Insurance Company to pay even the amount of interest. It is the ground of the Insurance Company that the interest needs to be born by the employer and not by the Insurance Company.

3. The learned advocate for the claimant/applicant submits that infact there is no dispute so far as principal amount is concerned. The dispute at the most is about liability to pay interest part by the Insurance Company. He, thus, submits that the application can be allowed by allowing the applicant to withdraw the amount of compensation.

4. Owner is not before this Court inspite of the service.

5. This Court finds that there would be no difficulty in allowing the applicant to withdraw the amount of compensation i.e. Rs. 5,31,288/-. Interest part will be considered at the stage of final disposal of the appeal. Hence, Civil Application No. 5392/2024 is allowed. The learned Commissioner is directed to allow the applicant to withdraw the amount of Rs. 5,31,288/-. The application stands disposed of.

6. Civil application No. 4469/2024 is filed by the Insurance Company for condonation of delay of 106 days caused in filing the first appeal, challenging the judgment and award passed by the learned Commissioner under the Employees Compensation Act.

7. For the reasons stated in the application, the application is allowed. Delay of 106 days stands condoned. Office to register the appeal. Application is disposed of.

(KISHORE C. SANT, J.)

ssc/