



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

CIVIL APPLICATION NO. 11397 OF 2021
IN FA/262/2021

NEELABAI SUBHASH WAGATKAR AND ANOTHER
VERSUS
M/S SHRIRAM GENERAL INSURANCE CO. LTD., NANDED
AND OTHERS

...
Advocate for Applicants : Mr. Surendra V. Suryawanshi
Advocate for Respondents No.1 and 2 : Mr. Anil P. Basarkar
...

CORAM : S. G. MEHARE, J.

DATE : 19-01-2024

PER COURT :-

1. Heard the learned counsel for the applicants.
2. There is a dispute about employment of the deceased. Hence, insurance company preferred appeal. However, *prima facie* it appears that the deceased died in a vehicular accident. The award of Rs.4,48,000/- was passed. The deceased was a loader and unmarried.
3. In the facts and circumstances of the case, the application deserves to be partly allowed. Hence, the order;
 - i) The application is partly allowed.

- ii) The applicants are entitled to withdraw Rs.3,00,000/- with proportionate accrued interest, on furnishing an undertaking that they will re-deposit the amount, if the judgment and award is reversed.
- iii) The learned Ex-officio Commissioner of Employees Compensation and Judge Labour Court at Nanded, is directed to release the amount after obtaining undertaking.

(S. G. MEHARE)
JUDGE

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