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908 -CA-13763-2024

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

908 CIVIL APPLICATION NO. 13763 OF 2024
IN FAST/29748/2024

Rubinaanjum Samsuddin Ansari And Ors
VERSUS
National Insurance Co Ltd Jabalpur And Ors
WITH
CIVIL APPLICATION NO. 12139 OF 2024
IN FAST/29748/2024
WITH
CIVIL APPLICATION NO. 12140 OF 2024
IN FAST/29748/2024

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Mr. Prasanna Shankarrao Chavan, Advocate for Applicants.
Mr. V. R. Mundada Advocate for Respondents.

CORAM : KISHORE C. SANT, J.
DATE : 19th DECEMBER 2024

PC :-

CIVIL APPLICATION FOR DELAY

1. Heard the parties.
2. For the reasons stated in the application, delay stands condoned.
Application is allowed.
3. Office to register first appeal.

CIVIL APPLICATION FOR WITHDRAWAL

1. Heard the learned Counsel for the parties.
2. This application is for withdrawal of the amount deposited by the applicant before the Commissioner under the Employees Compensation Act, Osmanabad.
3. The learned Advocate Mr.Mundada appearing for Respondents vehemently opposes the application. He submits that, in the present case the accident took place on 10th March 2019. Panchanama was drawn on 18th March 2019. The case is that, the deceased who was a driver, died in a vehicular accident. In the panchnama, there are no signs of any accident seen. No blood strains were found on the spot etc. He thus submits that the entire case is doubtful.
4. Considering that the deceased was working and now the applicants have lost the earning member of the family. Hence, the following order:-

ORDER

- (i) Application is allowed.

- (ii) The learned Commissioner, Employees Compensation Act, Osmanabad to allow the applicants to withdraw 50% of the amount alongwith accrued interest on giving usual undertaking.
- (iii) In case the appeal is allowed, they shall re-deposit the amount with interest within twelve (12) weeks from the date of such judgment.
- (iv) Application stands disposed off.
- (v) Further application will be considered at the time of admission of the appeal on receipt of record and proceedings.

CIVIL APPLICATION FOR STAY

. Since the amount is already deposited, the learned Commissioner under the Employees Compensation Act, Osmanabad shall not allow the claimants to withdraw the amount unless directed by this Court.

FIRST APPEAL

1. Issue notice to the respondents, returnable on 20th February 2025.
2. Learned Advocate Mr.Chavan waives service of notice for Respondent No.1 to 5.
3. Call for record and proceedings.

4. Parties are put to notice that if time permits, this Court may take up this appeal for final disposal at the stage of admission.

[KISHORE C. SANT, J.]