

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

CIVIL APPLICATION NO. 8033 OF 2023
IN FAST/19199/2022

Sharda Uddhav Badhe And Others

VERSUS

Jalindar Dashrath Aadake And Another

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Advocate for Applicants : Mr. Dhage Babasaheb V.

Advocate for Respondent No.2 : Mr. A.S. Usmanpurkar

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CORAM : S.G. MEHARE, J.

DATED : JANUARY 12, 2024

PER COURT:-

1. Heard learned counsel for the applicants and learned counsel for respondent no.2.
2. The insurer has objected the application mainly on the ground that the deceased driver was holding a fake licence; hence, the insurance company was not liable. Perusal of the impugned award, it appears that the issue of fake licence has been considered thoroughly and on relying on the Supreme Court judgments, the Commissioner for Employees Compensation Act and Judge Labour Court had awarded the compensation of Rs.7,17,516/- with 12% interest.
3. Learned counsel for the applicants would submit that the applicants were dependent on the deceased. Since he lost the life, they have lost their source of income. The appeal may take its time to conclude. Hence, they may be allowed to withdraw the amount of

(2)

Rs.12,00,000/- deposited by the Insurance Company. However, considering the issue of liability of the insurer, it would not be appropriate to allow the applicants to withdraw the entire amount. Hence, the application is partly allowed.

4. The applicants are allowed to withdraw Rs.3,00,000/- (Three lakh) only out of the amount deposited by the insurer, on the undertaking that in the event the judgment is reversed, they will re-deposit the amount within three months from the date of such judgment.

5. The Commissioner for Employees Compensation Act and Judge Labour Court, Aurangabad is directed to release Rs.3,00,000/- (Three lakh) to the applicants on the undertaking as mentioned above.

(S.G. MEHARE, J.)