

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
INTERIM APPLICATION NO.1177 OF 2024
IN
FIRST APPEAL NO.740 OF 2012

Smt. Surayya Raju @ Ramjan Pathan & Ors. : Applicants
IN THE MATTER BETWEEN
The New India Assurance Co. Ltd. : Appellant
Vs.
Smt. Surayya Raju @ Ramjan Pathan & Ors. : Respondents

Adv. Urmila K. Sanil, for the Appellant.
Adv. Rushikesh Kale, for the Respondents.

CORAM : KISHORE C. SANT, J.
DATE : 11TH MARCH, 2024

PC. :

1. Heard.
2. This Application is filed by the Claimants/Respondents in the Appeal seeking withdrawal of the amount that is deposited before the learned Commissioner under Workman's Compensation at Solapur by the Appellant. The learned Commissioner had directed to pay amount of Rs.4,67,955/- along with interest at the rate of 7.5% towards compensation. The present Applicants are heirs of the deceased employee who died while in service of the employer. Considering that the present Applicants in spite of having judgment in their favour have not received any amount in view of stay granted by this Court.

3. This Court finds that the ends of justice would be met if the amount of 50% is allowed to be withdrawn on undertaking and further 25% of the amount is allowed to be withdrawn on giving security/bank guaranty to the satisfaction of the learned Commissioner. Hence the following order.

ORDER

- a) Application stands partly allowed.
- b) The Applicants/Orgi. Claimants are at liberty to withdraw the amount of 50% of the compensation along with the interests accrued thereon, till the date of withdrawal on giving an undertaking that in case the Appeal is allowed they will re-deposit the said amount within a period of 12 weeks from the date of order.
- c) Remaining 25% of the amount be allowed to be withdrawn on giving security to the satisfaction of the learned Commissioner.
- d) The amount of 25% be kept in a fix deposit to be renewed from time to time till disposal of the Appeal.
- e) Interim Application stands disposed of.

(KISHORE C. SANT, J.)