

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

INTERIM APPLICATION NO.13065 OF 2023
IN
FIRST APPEAL (ST) NO.25756 OF 2022

Dinesh Kumar Verma S/o. Ramsunder Verma : Applicant

IN THE MATTER BETWEEN

Tata AIG General Insurance Co. Ltd. : Appellant

Vs.

Dinesh Kumar Verma S/o
Ramsunder Verma & Anr. : Respondents

Adv. Devendranath Joshi, Adv. Pradyumna Thakurdesai, for the Appellant.
Adv. Deepak Jamsandekar, for the Respondent No.2.
Adv. V. M. Parkar, for the Respondent No.1.

CORAM : KISHORE C. SANT, J.

DATE : 5TH FEBRUARY, 2024

PC. :

1. Head the parties.
2. This Application is filed by Respondents seeking withdrawal of the amount deposited by the Appellant Insurance Company in this Court in First Appeal (Stamp) No.25756 of 2022. Application is oppose by the learned Advocate for the Insurance Company. He submits that there are no grounds in the Appeal and there every chance of success in the said Appeal, when the Respondent was died accident has not happened out of

employment. There is evidence to that effect given by the employer.

3. Further ground is taken that even after the incident of accident this Applicant was very much in the condition to drive the vehicle.

4. However, considering that the Applicant happened to be workman and the amount of compensation is only 3,99,096/-, the Applicant should not be deprived of the fruits. Hence the following order.

ORDER

- a) Application is allowed.
- b) Applicant is at liberty to withdraw 50% of the amount of total deposit along with interest accrued if any.
- c) The concerned Commissioner to allow the Applicant to withdraw the amount. Applicant/original claimant to withdraw 50% of the amount as indicated above on furnishing undertaking that in case the Appeal is allowed. The Applicant shall re-deposit the amount in the Court with interest within a period of eight weeks thereafter.

(KISHORE C. SANT, J.)