

Sayali

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

INTERIM APPLICATION NO. 8561 OF 2024
IN
FIRST APPEAL (ST) NO. 3186 OF 2024

Satish Vithal Davkar ..Applicant

IN THE MATTER BETWEEN:

SAYALI
DEEPAK
UPASANI

Reliance General Insurance Co.Ltd ..Appellant

Vs.

Satish Vithal Davkar ..Respondent

Digitally signed by
SAYALI DEEPAK
UPASANI
Date: 2024.05.10
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Mr. Avesh A. Ghadge i/b Mr. Akshay A. Kulkarni, for the Appellant.

Mr.Amol G. Gatne, for Respondent.

CORAM : KISHORE C. SANT, J.

DATE : 9th MAY, 2024

PC.

1) Heard the parties. This Application is filed for allowing the Applicant/Claimant to withdraw the amount of compensation as awarded by the learned Commissioner for Employees Compensation, Judge First Labour Court At Pune, dated 6th September, 2023. The learned Commissioner partly allowed the Claim and directed the opponent Nos. 1 and 2/Appellant Company to pay the amount jointly and severally of

Rs.16,57,530/- with simple interest @ 12% interest from the date of accident till realization of the amount.

2) The Appellant- Reliance General Insurance Co. Ltd., has filed this First Appeal being First Appeal (St) No. 3186 of 2024 challenging the said Judgment. As a condition precedent, the Applicant/Appellant has deposited total amount of Rs.26,84,044/- in the office of the learned Commissioner for Employees Compensation and Judge, First Labour Court, Pune.

3) This application is, therefore, filed for withdrawal of the said amount.

4) Heard the parties.

5) The learned Advocate for the Applicant/Claimant submits that the learned Commissioner by considering the evidence before him, has passed this Judgment and Order. The Applicant/Claimant has received injury and he is unable to attend work, as he lost job. Though the application stands allowed, he is not in a position to withdraw the amount. He, therefore, prays for allowing the Application.

6) The learned Advocate for the Appellant – Insurance Company opposes the Application stating that if the amount is withdrawn, it would be difficult to recover the same, in case Appeal is allowed.

7) Considering the submissions, this Court is inclined to allow the Application partly. Hence, the following Order :

ORDER

- I) The Application is partly allowed.
- II) The Learned Commissioner for Employees Compensation, Judge First Labour Court At Pune, to allow the Applicant to withdraw 50% of the amount deposited along with interest, if any, accrued thereupon on furnishing undertaking that in case the Appeal is allowed, the Applicant shall re-deposit the amount along with interest within 12 weeks from the date of such Judgment.
- III) Remaining 25% amount shall be allowed to be withdrawn on furnishing solvent security for the said amount to the satisfaction of the learned Commissioner.
- IV) Remaining 25% of the amount be invested in a Fixed Deposit in the National Bank to be renewed from time to time till decision of the Appeal.
- V) Interim Application stands disposed of.
- VI) The parties are at liberty to apply again to this Court for appropriate orders, if required.

[KISHORE C. SANT, J.]