



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

**CIVIL APPLICATION NO. 8840 OF 2025
IN FA/1236/2024**

Shamshad Altab Tamboli And Others .. Applicants

Versus

New India Assurance Company Ltd.
Through Its Branch Manager And Another .. Respondents

Mr. Ramraje D. Kawade, Advocate for the Applicants.
Mr. Vinodkumar R. Mundada, Advocate for Respondent No. 1.

CORAM : KISHORE C. SANT, J.

DATE : 06th OCTOBER, 2025.

PER COURT :-

1. Heard learned advocates for the parties.
2. This application is for withdrawal of the amount deposited by the respondent/insurance company - appellant in the appeal in the office of learned Commissioner, Osmanabad under Workmen's Compensation Act pursuant to impugned judgment and order dated 21.11.2022. The applicants are the claimants.
3. The learned advocate Mr. Mundada for insurance company vehemently opposes the application. He submits that, there are

substantial grounds raised in the appeal. One is about employer-employee relationship between respondent No. 4 and deceased i.e. husband of respondent No. 1 and respondent Nos. 2 and 3 in the appeal. He further submits that, vehicle which is shown to be involved in the accident is, in fact, not involved. Only to claim the amount of compensation falsely the involvement of the vehicle is shown.

4. However, considering that the amount is Rs. 5,52,000/- and that the applicants are poor persons, this Court is inclined to allow the application in following terms :

ORDER

(I) The civil application is allowed.

(II) The applicants are allowed to withdraw 25% of the amount along with accrued interest deposited in the office of learned Commissioner, Osmanabad on furnishing undertaking. Further 75% of the amount along with accrued interest is allowed to be withdrawn on furnishing solvent surety/security to the satisfaction of the learned Commissioner. Undertaking to contain the averment that, in case, the appeal is allowed, the applicants shall

deposit the amount of compensation along with interest within twelve weeks from the date of such order.

(III) With this, the civil application stands disposed of.

(KISHORE C. SANT, J.)

PS.B.