



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

**CIVIL APPLICATION NO. 10862 OF 2025
IN FAST/16435/2025**

Bharatbai W/do Ambadas Gajbhare .. Applicant

Versus

United India Insurance Company Ltd.
Through Its Branch Manager .. Respondent

Mr. Govind R. Ingole, Advocate for the Applicant.
Mr. Vinodkumar R. Mundada, Advocate for Respondent Nos. 1
& 2.

**WITH
CIVIL APPLICATION NO. 6311 OF 2025
IN FAST/16435/2025**

United India Insurance Company Ltd.
Through Its Authorized Signatory and another .. Applicants

Versus

Bharatbai W/do Ambadas Gajbhare and others .. Respondents

Mr. Vinodkumar R. Mundada, Advocate for the Applicants.
Mr. Govind R. Ingole, Advocate for Respondent No. 2.

**CORAM : KISHORE C. SANT, J.
DATE : 01st OCTOBER, 2025.**

PER COURT :-

CIVIL APPLICATION NO. 10862 OF 2025 :

1. Heard learned advocates for the parties.
2. This application is filed for withdrawal of the amount of

compensation deposited by the appellant – insurance company in the office of learned Commissioner. The appeal arises out of the Workmen's Compensation Act.

3. The application is opposed vehemently by the learned advocate Mr. Mundada for respondent Nos. 1 & 2. He submits that, in the present case substantial grounds are involved. The employer – employee relationship itself is not proved in the trial. The policy was act only policy and therefore, no third party would be covered. The present case is covered under the said policy. He further submits that, driver of the vehicle i.e. tractor is not a party to the proceeding. The judgment is obtained in collusion as the respondent No. 1 – owner has not effectively participated in the proceedings. He further submits that, in case there are chances of success in the appeal and if the appeal is allowed, it would be difficult for the appellant to recover the amount.

4. This Court has considered the submissions. In the present case, the claimant lost earning member of his family. Considering that he is the claimant, this Court is inclined to pass the following order :

ORDER

- (I) The civil application is partly allowed.
- (II) The applicant is permitted to withdraw 50% of the amount deposited in the office of learned Commissioner along with accrued interest on furnishing usual undertaking. 25% of the amount is allowed to the withdrawn on furnishing solvent security/surety to the satisfaction of the learned Commissioner with whom the amount is lying. Remaining amount be kept in a fixed deposit in any Nationalized Bank till disposal of the appeal.
- (III) With this, the civil application stands disposed of.

CIVIL APPLICATION NO. 6311 OF 2025 :

1. Since the applicants have already deposited the amount as per the impugned judgment and award in the office of the learned Commissioner under the Employees Compensation Act, there shall be stay to the impugned judgment and award till disposal of the appeal.
2. The civil application stands disposed of.

(KISHORE C. SANT, J.)

P.S.B.