



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

**CIVIL APPLICATION NO. 12060 OF 2025
IN FAST/11308/2025**

Idibai Bahadar Sisodiya

.. Applicant

Versus

The New India Assurance Co. Ltd. Mandore

.. Respondents

Mr. Nitin L. Dhobale, Advocate for the Applicant.

Mr. S. S. Rathi, Advocate for Respondent No. 1.

CORAM : KISHORE C. SANT, J.

DATE : 10th NOVEMBER, 2025.

PER COURT :-

1. Heard for some time.
2. This application is filed seeking withdrawal of the amount of compensation deposited by the appellant – insurance company in the office of learned Commissioner under the Employees Compensation Act.
3. The learned advocate Mr. Rathi for respondent No. 1 vehemently opposes the application. He submits that, during the pendency of the proceeding, no notice was served upon the

Insurance Company. The Insurance Company got the knowledge only when recovery application was filed by the applicant. The Insurance Company could not get the opportunity to contest the proceeding. On merits, he submits that, the policy coverage shows that the wages were shown only to be Rs. 2000/- and now the Court has considered the wages to be Rs. 6500/-. Secondly, he submits that, the lady who died was, in fact, on night duty. An incident alleged has occurred after her duty hours. An incident has also occurred due to negligence of the deceased that after her duty hours she slept on the heap of the cotton. The said heap of cotton got the fire. He thus submits that, when there are no grounds on record, no application be allowed. He also submits that, employer accepted the liability and an amount of Rs. 2,39,000/- is already paid. It is only a question now of the amount which is directed to be paid by the Insurance Company.

4. Looking to the facts and grounds stated above, this Court finds that the entire amount need not be disbursed and it suffices to pay part of the amount. Hence, following order :

ORDER

(I) The civil application is partly allowed.

(II) The applicant shall be entitled to receive an amount of Rs. 3,00,000/- in total out of the amount deposited and presently lying with the office of learned Commissioner on furnishing usual undertaking. The remaining amount along with accrued interest be kept in a fixed deposit in any Nationalized Bank till disposal of the appeal.

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

(KISHORE C. SANT, J.)

P.S.B.