



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

**CIVIL APPLICATION NO. 13806 OF 2023
IN FA/2919/2024**

**BEBABAI BHAGWAN WAVALE
VERSUS
UNITED INDIA INSURANCE CO. LTD.**

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Advocate for Applicant : Mr. Suryawashi Govind G.
Advocate for Respondent No. 1 : Mr. V.R. Mundada
Advocate for Respondent no. 2 : Mr. S.V. Kurundkar
Advocate for Respondent no. 3 : Mr. P.P. Uttarwar

CORAM : SHAILESH P. BRAHME, J.

DATE : 04.09.2025

PER COURT :

The applicant prays for direction to withdraw the amounts, which are deposited before the Commissioner cum Labour Court, Nanded, in pursuance of the judgment and award passed in W.C.A. No.43/2018.

2. Learned counsels appearing for the insurance company, principal employer and the contractor would oppose the application.
3. It transpires from record that the insurance company has preferred appeal and simultaneously deposited Rs. 9,24,000/- before the Labour Court, Nanded. Another appeal is preferred by the contractor by depositing amount of Rs. 15,24,267/-, before the Labour Court, Nanded.
4. There are rival submissions regarding liability of making payments of compensation as well as entitlement of the claimants to receive the compensation. The insurance company is exonerated. A direction of pay and recover is passed against it, hence it has preferred appeal.
5. Considering the facts and circumstances, I deem it appropriate to

permit the applicants to receive the amount of Rs. 9,24,000/- on furnishing undertaking to the satisfaction of the Labour Court Nanded.

6. The Civil Application is partly allowed. The applicants shall receive amount of Rs. 9,24,000/- only (Rs. Nine Lakh Twenty Four Thousand only), from Labour Court Nanded, on furnishing undertaking to the satisfaction of the learned Judge of the Labour Court, Nanded.

7. Balance amount shall not be disbursed to either of the parties.

8. If the insurance company succeeds in appeal, it shall be entitled to receive the amount with accrued interest from the amount deposited by the contractor before the Labour Court.

(SHAILESH P. BRAHME, J.)

mkd/-