



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

**CIVIL APPLICATION NO. 862 OF 2025
IN FAST/31527/2024**

**RAMESHWAR VISHRAM KHANDARE
VERSUS
GANESH BANDU MAPARI AND ANOTHER**

...

Mr. Manoj Dharmaraj Shinde, Advocate for Applicant.

Mr. V. N. Upadhye, Advocate for Respondent No.2.

...

**CORAM : S. G. CHAPALGAONKAR, J.
DATED : 29th JANUARY, 2025.**

P.C.:-

1. Heard the learned Advocate appearing for the respective parties.
2. By this application, the applicants seeks to withdraw amount deposited by the respondent/insurance company in pursuance to the Award dated 05.08.2024 passed in W.C.N.F.A. No.11/2018 by Ex-Officio Commissioner for Employee's Compensation and Civil Judge, Senior Division, Parbhani.
3. The applicant is original claimant. He suffered injuries in motor vehicular accident. He instituted claim against his employer and insurer. Upon evaluating the evidence, the Commissioner awarded a sum of ₹10,42,968/- along with interest at a rate of 12% per annum. Aggrieved by this decision, the insurer filed the present appeal, primarily contending that the accident was reported to the police after a delay of 45 days, raising doubts about the occurrence of the alleged accident, particularly its involvement with the insured vehicle. Additionally, the insurer argued that the

risk of employees other than the driver was not covered in relation to the tractor.

4. It appears that, Award passed by the Commissioner is in favour of applicant. He suffered amputation of right hand from the wrist. In that view of the matter, it would be appropriate to permit him withdrawal of 50% amount deposited by the appellant/insurer subject to condition that he files an undertaking to the satisfaction of the Commissioner for Employee's Compensation that in case adverse order is passed in Appeal, he shall redeposit the amount within period of eight weeks. Hence, following order:

ORDER

- a. Civil Application is allowed.
- b. The applicant is permitted to withdraw 50% amount deposited by the insurer subject to furnishing of an undertaking as stated above.
- c. Civil Application is disposed of.

(S. G. CHAPALGAONKAR)
JUDGE