

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

Digitally signed
by
HUSENBASHA
RAHAMAN
NADAF
Date:
2025.08.25
11:22:21 +0530

INTERIM APPLICATION NO. 11119 of 2024
IN
FIRST APPEAL NO. 1268 OF 2024

Shriram General Insurance Co. Ltd., Rajasthan ...Applicant
Versus
Ashok Atmaram Kamble and Anr. ... Respondents

WITH
INTERIM APPLICATION NO. 807 of 2025
IN
FIRST APPEAL NO. 1268 OF 2024

Ashok Atmaram Kamble & Anr. ...Applicants
In the matter between
Shriram General Insurance Co. Ltd., Rajasthan ...Appellant
Versus
Ashok Atmaram Kamble and Ors. ... Respondents

Ms. Shalini Shankar, for the Applicant / Insurance Co.
Mr. Vasant N. More for Respondents / Claimants

CORAM : M.M. SATHAYE, J.
DATE : 22nd AUGUST, 2025

P.C. :

1. Heard learned counsel for the Insurance Company and Claimants.
2. Interim Application No. 11119 of 2024 is filed seeking interim stay to the impugned judgment and award. Interim Application No. 807 of 2025 is filed by Claimants seeking withdrawal of the amount deposited by Insurance Company before the concerned

Commissioner/Labour Court at Mumbai.

3. Heard both sides. Perused the impugned judgment.

4. The Claimants are parents of deceased Mr. Abhijit Ashok Kamble who died in an accident. According to the Claimants, the deceased was working as a driver and he was 28 years old. The Commissioner for Employees Compensation has, on appreciation of the evidence granted an amount of Rs.8,47,160/- along with interest @12 % per annum from the date of accident til its actual realization jointly and severally from the Insurance Company along with the employer.

5. It is stated in the application (for withdrawal) that the Applicants were dependent upon the income of the their son and they are not having sufficient source of income as the sole bread winner of the house is lost in the accident. Considering the nature of controversy and averments made in the application, the Applicant can be permitted to withdraw 50% amount on usual undertaking.

6. The applications are accordingly disposed of by passing following order:

(a) In view of deposit of amount, the impugned judgment and order dated 04.05.2024 passed in Application (ECA) No.424/B-75 of 2019 by fifth Labour Court, Mumbai, is stayed.

(b) Subject to the Applicants in IA/807/2025 (Claimants) filing written undertaking in this Court that the withdrawal of the

amount will be subject to final outcome of the appeal and the Applicants will bring back the amount with interest, if so directed by the Court, they are permitted to withdraw 50% of the amount deposited by the Insurance Company before the concerned Labour Court, Mumbai along with accrued interest if any. The remaining amount shall remain invested.

7. Applications are disposed of in above terms.
8. All concerned to act on duly authenticated or digitally signed copy of this order.

(M.M. SATHAYE, J.)