

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

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INTERIM APPLICATION NO. 12325 OF 2025

Abida Munshi Khan

....Applicant

IN THE MATTER BETWEEN

The New India Assurance Company Limited

....Appellant

Versus

Abida Munshi Khan & Ors.

....Respondents

Mr. Mulanshu Vora i/by Mr. Avinash Jalisatgi for the Applicant.

Ms. Pooja Yadav i/by D. R. Mahadik for the Appellant.

CORAM : JITENDRA JAIN, J.

DATED : 14th October 2025

PC. :

1. Heard the learned counsel for the Applicant and the Respondent.
2. The Applicant is a widow of the deceased who died while driving the truck belonging to Respondent No.5. The said accident occurred due to blast in the truck, since the truck was carrying petroleum product.
3. By order dated 13th June, 2011, the Commissioner for Workman's Compensation has passed an order, holding that the Applicants are entitled to recover compensation amount of Rs.3,38,880/- jointly or severally from Respondent Nos.1 and 2 who were opposite parties before the said Commissioner. The insurance company had challenged the said order before this Court and by order dated 30th October, 2012, directions were issued against the insurance company to deposit the said amount with a liberty to the Applicant to make appropriate application for withdrawal of the same. Pursuant thereto, the present application has been made. The

amount of Rs.3,38,880/- has been deposited with Commissioner by the insurance company.

4. I have perused the order and the application. The Applicant is a widow and having three children. The Applicant is 56 years old and the childrens are not earning and she has no source of income. The learned counsel for the insurance company opposes withdrawal of the full amount since, the appeal is pending. There is no serious opposition to the said application made.

5. I am, therefore, of the view that the prima facie, the order passed by the Commissioner for Workman's Compensation does not suffer from any infirmity. The appeal is pending since 2012, as an ad-interim arrangement, the prayer made for withdrawal of the amount deposited with the Commissioner, is allowed. However, the Applicant will be permitted to withdraw only 50% of the amount which has accrued till today including the deposit made. For example, if the deposit + interest till today is Rs.100/- then, the Applicant would be entitled to withdraw Rs.50/-.

6. The Applicant is permitted to give the bank details to the Commissioner for Workman's Compensation and the Commissioner within four weeks from the receipt of the bank details to transfer 50% of the amount to the account of the Applicant.

7. The Interim Application is allowed in the above terms.

8. Interim Application is disposed of.

(JITENDRA JAIN, J.)