



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
NAGPUR BENCH, AT NAGPUR.**

FIRST APPEAL NO.444 OF 2024

The New India Assurance Co. Ltd. Thr. Branch Manager, Dhantoli, Nagpur

vs.

Smt Maya wd/o Sanjay Akhare and ors.

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders

Court's or Judge's orders

Ms S. H. Bhatia, Advocate for the appellant.

Shri Prakash Naukarkar, Advocate for respondent Nos. 1 to 3.

CORAM : ABHAY J. MANTRI, J.

DATED : 07-08-2025

The learned Advocate for the appellant submitted that the learned Advocate for respondent Nos. 1 to 3 has filed a pursis dated 13/02/2025 stating that during the pendency of the appeal on 02/09/2024, respondent No.4 Shivram Mukunda Akhare died and respondent Nos. 1 to 3 are only his legal heirs. In view of the above, learned Advocate for the appellant seeks leave to delete the name of respondent No.4 from the array of the respondents.

2. As such, leave is granted to delete the name of respondent No.4. Deletion is to be carried out forthwith.

3. At the request of the learned Advocate for the appellant, leave is granted to amend the appeal memo to add the substantial question of law, if any. The amendment is to be carried out within four weeks. If the amendment is carried out, then an amended copy of the appeal memo is to be supplied to the counsel for the respondents.

4. Issue fresh notice to respondent No.5.

5. Call for record and proceedings.

6. List the matter on 18/09/2025.

Civil Application (CAF) No.758/2025

7. Applicants-respondent Nos. 1 to 3 have filed this application to permit them to withdraw the amount of compensation with accrued interest thereon deposited by the appellant, for which the learned Advocate for the appellant has objected.

8. Having considered the reasons disclosed in the application as well as having gone through the impugned judgment, I do not find substance in the objection raised by the appellant in this regard, on the contrary, I am of the view that the applicants are entitled to withdraw 75% of the compensation amount on furnishing usual undertaking to the satisfaction of the Commissioner under Employees Compensation Act and Judge, Labour Court, Nagpur. In view of the same, the application is partly allowed.

9. The applicants are permitted to withdraw 75% of the compensation amount along with the accrued interest thereon as per the award, upon furnishing a usual undertaking to the Commissioner/ Labour Court, Nagpur.

10. The Commissioner under the Employees' Compensation Act and the Judge, Labour Court, Nagpur, is requested to transmit 75% amount along with accrued interest thereon in the respective bank account of the applicants as per the award within six weeks on their furnishing a usual undertaking as well as bank account details to the Court.

11. Accordingly, Civil Application is disposed of.

(ABHAY J. MANTRI, J.)