



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR

CIVIL APPLICATION (CAF) NO. 96 OF 2025

IN

FIRST APPEAL NO. 407 OF 2009

(The Oriental Insurance Company Ltd. V/s baliram Bhonaji Gayki (dead) through L.Rs.)

Office Notes, Office Memoranda of Coram, Appearances, court's orders or directions and Registrar's orders	Court's or Judge's orders
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Ms. Alpana Ingolikar, Advocate h/f Ms. Mrunal Naik,
Advocate for Appellant.

Mr. A. J. Thakkar, Advocate for Respondent Nos.1 to
3.

CORAM : SANDIPKUMAR C. MORE, J.

DATE : JANUARY 13, 2025.

. Heard rival submissions.

2. The present Application is filed by the Original Respondent No.3 Rajesh Baliram Gayki i.e. one of the Claimants, for withdrawal of amount falling to his share out of the total compensation amount deposited by the present Appellant/Insurance Company.

3. It appears that the Appeal filed by the Insurance Company i.e. Original Non-applicant No.3 against the Judgment and order dated 11/7/2008 in WCA Case No.12/2002 is already dismissed by this Court under Judgment dated 30/7/2024. Admittedly, the Appellant/Insurance Company has deposited the amount of compensation awarded in the court of learned Commissioner under Employees (Workmen's) Compensation

Act, 1923 Akola. Further it appears that out of all Claimants, Claimant No.1 Baliram Bhonaji Gayki is no more. Amount of compensation is awarded by the learned Commissioner to all the Claimants in equal proportion. As such, at present the present Applicant/Respondent No.3 is entitled for withdrawal of his 1/3rd share from the said amount of compensation as per the Award.

4. The present Applicant/Respondent No.3 has claimed withdrawal of his share, since the another Claimant Ku. Bharti Baliram Gayki has not joined in this Application for withdrawal due to strained relations between them. Under such circumstances, the Civil Application stand allowed only to the extent of 1/3rd share of present Applicant – Rajesh Baliram Gayki, at this juncture, and the Office of learned Commissioner under Employees (Workmen's) Compensation Act, 1923 Akola is directed to disburse the aforesaid share to the Applicant – Rajesh Baliram Gayki along with the proportionate interest accrued thereon till date on due verification.

5. Civil Application stands disposed of accordingly.

(SANDIPKUMAR C. MORE, J.)