



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

Civil Application [CAF] No.3557 of 2025

in

First Appeal No.1130 of 2023

*The Chief Engineer, Generation (O&M),
Maharashtra State Power Generation Co. Ltd. and others*

vs.

Shri Diwakar s/o Vitthalrao Admane

*Office notes, Office Memoranda of
Coram, appearances, Court's orders
or directions and Registrar's orders.*

Court's or Judge's Orders

*Mr. Y.S. Jaiswal, Advocate for the Applicant/Respondent.
Mr. O.A. Ghare, Advocate for the Non-Applicants/Appellants.*

CORAM : Y.G. KHOBRAGADE, J.

DATE : 8th MAY, 2026.

Heard the learned Counsel appearing for the parties.

02. By the present application, the applicant/respondent seeks permission to withdraw the entire amount of compensation deposited by the appellant pursuant to the judgment and award dated 25/09/2023 passed in ECA No.(C)-37/2019 by the learned Commissioner under the Employees' Compensation Act and Judge, Labour Court No.2, Nagpur.

03. The learned Counsel appearing for the non-applicant/ employer strongly opposed the application on the ground that the appellants had already incurred huge medical expenses towards the treatment of the applicant and, therefore, if the applicant is permitted to withdraw the said amount, it would not be possible to recover the same in the event, the judgment and award is reversed or set aside.

04. However, *prima facie*, it appears that on 25/09/2023, the trial Court passed the impugned judgment and award directing the present appellants to pay compensation of Rs.3,87,338/- with interest @ 12% per annum from the date of accident i.e. 19/04/2011, till its realization. The

learned trial Court, after considering the evidence available on record as well as the disability assessed at 58%, directed the present appellants to pay the said compensation.

05. In pursuance of the order dated 29/11/2023, the appellants have already deposited the entire amount of compensation along with accrued interest before the learned Commissioner under the Employees' Compensation Act and Judge, Labour Court No.2, Nagpur.

06. Therefore, considering the reasons stated in the application and to meet the financial exigency, it would be just and proper to permit the applicant/respondent to withdraw 75% of the compensation amount along with accrued interest, upon furnishing an undertaking to the satisfaction of the Registrar (Judicial) of this Court.

07. The application accordingly stands allowed and disposed of.

JUDGE

**sandesh*