



FARAD CONTINUATION SHEET No.
IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH AT NAGPUR

First Appeal No. 743/2010

(The New Indian Assurance Co. Ltd. VERSUS Smt. Nargis Khatun wd/o Mohd. Nazim & others)

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

Court's or Judge's orders

Shri M.M. Sudame, counsel for the appellant.
Shri M.G. Sarada, counsel for the R-1 to 4.

CORAM : SMT. VASANTI A. NAIK, J.
DATE : OCTOBER 11, 2010.

Heard.

The first appeal is **ADMITTED** on the following
substantial question of law.

I) Whether the appellant-insurance
company was liable to pay interest on the compensation
payable to the claimants ?

Call for Record & Proceedings.

Learned counsel Shri Sarada, waives notice of
hearing on behalf of the respondent nos.1 to 4.

C.A.F. NO. 2456/2009.

Heard.



It appears on hearing the learned counsel for the parties that the applicant has deposited an amount of Rs.3,35,000/- before the Commissioner, Workmen's Compensation in terms of the order passed by the Commissioner on 23.04.2009. The first appeal is admitted on a substantial question of law. The respondent nos.1 to 4 have stated in the reply that the respondent no.2 has recently attained the age of majority. In such circumstances, the respondent nos.1 and 2 are permitted to withdraw an amount of Rs.51,000/- each without furnishing solvent surety/security.

The amount of Rs.1,02,000/- and odd, which is payable to the respondent nos.3 and 4 should be deposited in a fixed deposit account of a nationalized bank along with the amount of interest, which is deposited by the appellant before the Commissioner, Workmen's Compensation for a period of three years initially and the same should be renewed thereafter from time to time during the pendency of the first appeal or till the respondent nos.3 and 4 attain the age of majority. The respondent nos.1 to 4 will not be permitted to withdraw the amount of interest on the compensation during the pendency of the first appeal.



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The civil application is allowed in the aforesaid terms and disposed of.

JUDGE

APTE