

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
BENCH AT AURANGABAD**

CIVIL APPLICATION NO.3540 OF 2015 IN
FIRST APPEAL ST.NO.7600 OF 2015

The New India Assurance Co.
Ltd., Aurangabad
through its Manager

..Applicant

Versus

Smt.Hirabai w/o Vithal Faske
and ors.

..Respondents

Mr M.M. Ambhore, Advocate for applicant

CORAM : N.W. SAMBRE, J.

DATE : 20th March 2015

PER COURT

Heard.

2. This is an application praying stay to the award dated 7th November 2014 passed by the Commissioner for Workmens Compensation and Civil Judge, Senior Division, Osmanabad in W.C.A. No.43/2000 below Exh.118.

3. The learned Counsel for the appellant has raised two fold contentions, (a) that there was no employee-employer relationship between the claimant and respondent No.3; and (b) that the appellant is not liable for payment of penalty in view of the provisions of Statute.

4. Learned Counsel for the appellant would urge that the Commissioner for Workmen Compensation has already issued

certificate certifying the satisfaction of the award upon depositing the amount by the appellant.

5. In view thereof, learned Counsel for the appellant is praying for grant of ad interim relief.

6. Perusal of the award reflects that the Commissioner for Workmen Compensation has ordered that the amount of Rs.1 lac each be deposited in the name of petitioners No.1 and 2 in the nationalised Bank.

7. As such, the amount to the extent of Rs.2 lacs is already secured. In view thereof, no case for grant of ad interim stay is made. Civil Application stands rejected.

(N.W. SAMBRE, J.)

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