

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

REVIEW APPLICATION NO.96 OF 2015
IN
FIRST APPEAL NO.519 OF 2008

The Chairman,
Jatashankar Mazoor Sahakari
Sanstha Maryadit ..APPLICANT

VERSUS

Sarubai Govindrao Dhabale & ors. ..RESPONDENTS

Mr S.T. Shelke, Advocate for applicant;
Ms Maya R. Jamdhade, Advocate for respondents no.1 to 6;
Mr Vivek Bhavthankar, Advocate for respondent no.7

CORAM : N.W. SAMBRE, J.

DATE : 22nd July, 2015

ORAL ORDER :

Heard Mr S.T. Shelke, learned Counsel appearing on behalf of the applicant.

2. The Commissioner for Workmen's Compensation, Parbhani has awarded the compensation to respondents no.1 to 6/original claimants, by giving finding that the deceased was an employee of the present applicant.

3. First Appeal preferred under section 30 of the Workmen's Compensation Act was, admittedly, without depositing the amount of

compensation as is mandated under third proviso to section 30 of the said Act, still this Court has entertained the appeal of the present applicant and dismissed the same on merits.

4. A justification was sought to be canvassed by the learned Counsel appearing on behalf of the applicant in relation to non-compliance, as according to him, in the same matter another appeal was preferred by the Zilla Parishad, with whom the applicant-appellant was executing the work as a Labour Contract Co-operative Society.

5. The right of appeal is a statutory right. The applicant cannot take shelter of the deposit made by the Zilla Parishad, who is already appellant in a separate appeal, which was allowed by the judgment under review and the claim petition was dismissed against respondent – Zilla Parishad. As such, the said submission stands rejected.

6. In view of the fact that the applicant/original appellant – employer has not complied with the condition of statutory deposit as incorporated in third proviso to section 30 of the Workmen's Compensation Act, in my opinion, the present application for review being not tenable, stands rejected with no order as to costs.

(N.W. SAMBRE, J.)

(3)

ra96.15

amj