

FARAD CONTINUATION SHEET
IN THE HIGH COURT OF JUDICATURE AT BOMBAY.
CIVIL APPELLATE SIDE JURISDICTION.

CIVIL APPLICATION NO.1799 OF 2014
IN
FIRST APPEAL (ST) No. 1159 OF 2014

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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Mr. Ketan Joshi i/b. D. S. Joshi for the Applicant
Mr. Y. M. Pendse for Respondent Nos.1 to 5.

CORAM : K. K. TATED, J.
DATE : MARCH 25, 2015

P.C.:

1. Heard.

2. This Application is preferred by the Insurance Co. for stay of the operation and implementation of impugned judgment and award dated 24/07/2013 passed by the Commissioner for Workmen's Compensation and Judge, Labour Court, Nasik in Application (WCA) No.F-54/2008 holding that the Respondent-Claimant is entitled to Rs.3,38,880/- with 12% p.a. interest by way of compensation along with 50% penalty from original Respondent No.1.

3. The learned counsel for the Applicant Insurance Co. submits that pursuant to the order dated 09/05/2014, they deposited the entire awarded amount before the Tribunal. Statement is accepted.

4. The learned counsel for the Applicant submits that in the interest of justice, this Hon'ble Court be pleased to stay the impugned judgment and award. He submits that the Tribunal has awarded compensation on higher side. He further submits that they have good chance of success in the present matter. If stay is not granted, the Applicant will suffer irreparable loss, harm and injury.

5. On the other hand, the learned counsel for the Respondent vehemently opposed the Civil Application. He submits that the Tribunal has awarded compensation after considering the evidence on record. He submits that the Applicant has not shown any case for stay of the impugned judgment and award. He further submits in case this Hon'ble Court grants stay to the impugned judgment and award, the Respondent-Claimant may be given a liberty to prefer an appropriate Application for withdrawal of the amount.

6. Considering the submissions made by the learned counsel for the Applicant and the reasons disclosed in the Application, I am satisfied that the Applicant has made out a case for allowing the present Civil Application.

7. Hence, the following order:

i) The operation and implementation of impugned judgment and award dated 24/07/2013 passed by the Commissioner for Workmen's Compensation and Judge, Labour Court, Nasik in Application (WCA) No.F-54/2008 is stayed till final disposal of the appeal.

ii) Liberty granted to the Respondent - claimant to file an appropriate Application for withdrawal of the amount, if they so desire, which will be decided on its own merits.

iii) The Tribunal is directed to invest the amount in a fixed deposit account of any Nationalized bank, initially for a period of one year which will be renewed from time to time till further orders.

iv) Civil Application stands disposed off accordingly.

JUDGE