

Sequeira

*IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION*

WRIT PETITION NO. 4045 OF 2015.

Mrs.Jayshree Dilip Salunkhe.

.. Petitioner

Vs.

Mr.Jagdish Laxmicharan Panda & anr.

.. Respondents

Mr.Manish Jain i/b S.M.Jain & Associates, for Petitioner.

Mr.Sachin Tigle a/w Mr.Subhash Tigale, for Respondent No.1.

***CORAM: N.M.Jamdar, J.
Tuesday 6 October, 2015***

P.C.:

The learned counsel for the Respondents submits that the Petitioner has an alternate statutory remedy of appeal under Section 30 (1)(aa) of the Employees Compensation Act, 1923. The learned counsel for the Petitioner submits that since he had challenged the Recovery Certificate, a Writ petition was filed. He also submitted that the Petitioner faced with an unfortunate situation having lost her husband in the very same accident which is the subject matter of the proceedings. He submitted that the Respondents have already received a compensation of almost more than ₹ 9 lakhs and by the impugned order the Labour Court has granted penalty without considering the various unfortunate circumstances. Though the learned counsel for the Petitioner may be prima facie justified in making these contentions, Petitioner has

a remedy of a statutory appeal.

2. The learned counsel for the Petitioner thereupon seeks leave to withdraw the Writ petition with a liberty to file an Appeal. Writ petition is disposed of with liberty as prayed.

3. To enable the Petitioner to file an Appeal, the Ad-interim order granted by this Court on 17 June 2015, to continue for a period of eight weeks from today.

(N.M.Jamdar, J.)

“Certified to be true and correct copy of original signed Order.”