

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

CIVIL APPLICATION NO.1388 OF 2010
IN
FIRST APPEAL NO. 9053 OF 2010

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. Ramesh Cheulkar for the Applicant
Mr. Nikhil Mehta i/b. KMC Legal Venture for the Respondent.

CORAM : K. K. TATED, J.
DATE : FEBRUARY 26, 2015

P.C.:

1. Not on board. Taken on board.
2. Heard the learned counsel for the Applicant and Respondent No.1.
3. This Application is preferred by the Insurance Co. for stay of the operation and implementation of the impugned judgment and award dated 31/03/2009 passed by the Commissioner for Workmen's Compensation and Judge, Labour Court, Mumbai in Application (WCA) No.86-C-33 of 2006 by which the Commissioner held that the Respondent claimant is entitled to compensation of Rs.3,36,420/- with 12% interest from the date of disability certificate.

4. The Applicant submits that he received instructions from his client that they are ready and willing to deposit the entire decretal amount along with interest, costs and charges in the office of the Commissioner for Workmen within four weeks from today. Statement is accepted.

5. The learned counsel for the Applicant submits that in the interest of justice, this Hon'ble Court be pleased to stay the operation and implementation of the judgment and award dated 31/03/2009. He submits that if entire amount is withdrawn by the Respondent claimants, nothing will survive in the appeal.

6. Considering the submissions made by the learned counsel for the Applicant and the averments made 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:

a) The operation and implementation of the impugned judgment and award dated 31/03/2009 passed by the Commissioner for Workmen's Compensation and Judge, Labour Court, Mumbai in Application (WCA) No.86-C-33 of 2006 is stayed till further orders,

subject to the Applicant depositing the entire decretal amount along with costs, charges and interest, if any, within four weeks from today in the office of the Commissioner for Workmen Compensation, failing which the Civil Application shall stand dismissed without further reference to the court.

- b) If the amount is deposited within stipulated time as stated hereinabove, the office of the Commissioner for Workmen Compensation is directed to invest the entire decretal amount in a fixed deposit account of any Nationalized Bank, initially for a period of one year and the same shall be renewed from time to time till further orders.
- c) If the amount is not deposited within stipulated time as stated hereinabove, the claimants are entitled to execute the award according to law.
- d) If the amount is deposited within stipulated time as stated hereinabove, liberty granted to the claimants to prefer an appropriate Application for withdrawal of compensation amount, if they so desire, which will be decided on its own merits
- e) Civil application stands disposed off accordingly.

JUDGE