

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

***CIVIL APPLICATION NO. 2332 OF 2010
IN
FIRST APPEAL NO. 479 OF 2014***

The New India Assurance Co. Ltd. ... Applicant

v/s

Mr.Tukaram Mohanrao Gaikwad & anr. ... Respondents

Mr.Ramesh Cheulkar for the applicant.

Mr.Anil S. Kadam for the respondents.

CORAM: K.K.TATED, J.

DATED : 21 JANUARY 2015

PC.:

Heard learned counsel for parties.

2 This civil application is preferred by the original opponent No.2 Insurance Company for stay of the judgment and award dated 16 January 2010 passed by the learned Commissioner for Workmen's Compensation in Application (WCA) No.594/C-198 of 2008. Learned counsel for the applicant submits that as per order dated 1 July 2010 passed by this Court, they have already deposited the entire decretal amount in this Court. Noting to that effect is in farad-sheet.

3 In the present proceeding, the respondents/claimants filed Civil Application No.2669 of 2014 for withdrawal of the amount.

4 Considering the submissions made by learned counsel for the applicant and averments made in the civil application, I am satisfied that the applicant has made out a case for allowing the civil application.

5 Civil application preferred by the original claimant will be decided on its merits.

6 Hence the following order :-

O R D E R

(A) Civil application allowed in terms of prayer clause (a) which reads thus -

(a) Pending the hearing and final disposal of the present first appeal, the execution of judgment dated 16.1.2010 in Application (WCA) No.594/C-198 of 2008 passed by learned Commissioner for Workmen's Compensation, Dist. Mumbai, at Mumbai, to pay an amount of Rs.2,12,540/- with simple interest at 12% p.a. payable after one month from date of accident till its final realization to applicants by the appellant, be stayed on such terms and conditions as this Hon'ble Court may deem fit and proper.

(B) Civil application No.2669 of 2014 preferred by respondents/claimants will be decided on its own merits.

(C) Civil application stands disposed of accordingly.

(K.K.TATED, J.)