

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

CIVIL APPLICATION NO.1771 OF 2015
IN
FIRST APPEAL (ST) NO.13577 OF 2015

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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Mrs. Kavita Archan i/b. M. V. Kini & Co. for the Applicant

CORAM : K. K. TATED, J.
DATE : MAY 8, 2015

P.C.:

1. Mentioned. Not on board. At the request of the learned counsel for the Applicant, taken on board for urgent orders.

2. This Application is for stay of operation and implementation of the impugned judgment and award dated 06/12/2014 passed by the 10th Labour Court, Mumbai in Application No.WCA 217/C-64/2011 holding that the Respondent claimant is entitled to sum of Rs.5,98,560/- with 12% p.a. Interest by way of compensation.

3. The learned counsel for the Applicant submits that they already deposited the entire

awarded amount in the Trial Court. Statement is accepted.

4. Considering the submissions made by the learned counsel for the Applicant and since the Applicant has already deposited the entire awarded amount in the Trial Court, I am satisfied that the Applicant has made out a case for allowing the present Application.

5. At the same time, Respondent claimant is entitled to withdraw 50% of the awarded amount without furnishing any security subject to outcome of the appeal because claimant lost his earning capacity to the extent of 100% on account of the disability suffered by the Respondent-Claimant due to coronary artery disease and diabetes mellitus (PTCA).

6. Hence, the following order:

a. The operation and implementation of the impugned judgment and award dated 06/12/2014 passed by the 10th Labour Court, Mumbai in Application No.WCA 217/C-64/2011 is stayed till hearing and final disposal of the appeal.

- b. Respondent claimant is entitled to withdraw 50% of the awarded amount without furnishing any security subject to outcome of the appeal.
- c. Liberty granted to the Respondent claimant to file an Application for withdrawal of the remaining amount, if they so desire, which will be decided on merits.
- d. Civil Application stands disposed of accordingly.

JUDGE