

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

**CIVIL APPLICATION NO. 2177 OF 2015
IN
FIRST APPEAL (ST.) NO. 22248 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. S. S. Aradhya for the applicant.

**CORAM : K. K. TATED, J.
DATED : 30/06/2015.**

PC.:

. Not on board. At the request of Advocate for the applicant, matter is taken on board for urgent orders.

2 This application is preferred by respondent no.1 for stay of operation and implementation of the Judgment and Award dated 28.11.2013 passed by the Judge, Labour Court, Solapur and Commissioner, Workmen's Compensation in W.C.A. No. 130 of 2008 holding that respondents claimants are entitled to Rs.3,94,120/- with 12% interest by way of compensation.

3 The learned Counsel for the applicant submits that respondents claimants field execution

application, in which Tahsildar issued notice for attachment of their property. Hence, there is an urgency.

4 The learned Counsel for the applicant submits that though the contract of digging well was placed on record before the Trial Court, the Trial Court failed to appreciate the same and held that the applicant being the owner of the well is liable to pay compensation. He submits that the Trial Court has awarded compensation on higher side. He submits that they have good chance of success in the present matter. He submits that if impugned award is not stayed, irreparable loss and injury will be caused to the applicant.

5 The learned Counsel for the applicant submits that applicant is ready and willing to deposit the entire awarded amount in the Tribunal within six weeks from today. The statement is accepted.

6 In the present proceeding, the claimant no.1 lost her husband. On the date of accident i.e. 10.11.2008 he was 35 years old and he was earning Rs.7,800/- per month. On the basis of that the claimants filed application under Section 22 for compensation. Claimant nos. 2 and 3 are minor. Considering this fact, I am of the opinion that

claimants are entitled to withdraw some amount without furnishing any security.

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

8 Hence, the following order.

a) The operation and implementation of impugned Award dated 28.11.2013 passed by the Judge, Labour Court, Solapur in W.C.A. No. 130 of 2008, is stayed till further orders on condition that applicant to deposit entire awarded amount with interest in Tribunal within six weeks from today, failing which civil application shall stand dismissed without referring back to the court .

b) If applicant failed to comply this order within stipulated time as stated herein above, the respondents claimants are entitled to execute the award according to law.

c) If amount is deposited within stipulated time as stated herein above, the claimant no.1 Smt. Sinabai Shivaji Rathod is entitled to withdraw Rs.25,000/- with accrued interest, Claimant no.4 Smt. Premabai Bhimrao Rathod is entitled to withdraw Rs.15,000/- with accrued interest and

Claimant No.5 Shri. Prakash Bhimrao Rathod is entitled to withdraw Rs.10,000/- with accrued interest without furnishing any security.

d) The Tribunal is directed to invest the remaining amount in Fixed deposits of any Nationalised Bank, initially for the period of one year and same to be continued till further orders.

e) Liberty granted to the respondents claimants to take out appropriate application, if they so desire, for withdrawal of the amount and that application will be decided on its own merits.

f) Civil Application stands disposed of accordingly.

(K.K.TATED, J.)