

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

CIVIL APPLICATION NO.2317 OF 2015
IN
REJECTED CASE NO.836 OF 2014
a/w
REJECTED CASE NO.837 OF 2014

M/s.Unimarine Agencies Pvt. Ltd. ... Applicant

Vs.

Shri Fakir Mohd. Shabuddin Momin & Ors. ... Respondents

Mr.Kishor Patil i/b Ms.A.P. Bhide for the Applicant
Mr.Prakash Rao for Respondent No.1

CORAM: MRS.MRIDULA BHATKAR, J.

DATE: 2nd SEPTEMBER, 2015

P.C.:

1. The appeal was dismissed for not removing office objections. Hence, the applications for restoration and stay are filed. The learned Counsel for the applicant submits that the execution and operation of the judgment and award dated 11.7.2013 passed by the Commissioner for Workmen's Compensation and Judge, Labour Court at Mumbai in Application (WCA) No.191/B-32/291 be stayed as the learned Counsel for the applicant submits that the applicant has deposited the entire amount granted under the impugned award alongwith interest accrued thereon. He prays that the original claimants be directed not to proceed with the execution.

2. The learned Counsel for the respondent No.1, who is the original claimant, opposes the application and submits that the accident has taken place in 1996. It is a death claim and since 1996, the dependants of the deceased did not get a single rupee.

3. Considering the submissions and the facts of the case, the First Appeal is restored to file and I am inclined to grant stay, however, the original claimants are allowed to withdraw 50% of the amount, which is deposited by the applicant i.e., Rs.3,30,000/- on an undertaking to the satisfaction of the Commissioner under Workmen's Compensation, Mumbai.

4. Civil Application for stay stands disposed of accordingly.

5. List the First Appeal on 23.9.2015 for admission.

(MRIDULA BHATKAR, J.)