

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

CIVIL APPLICATION NO.2766 OF 2014
IN
FIRST APPEAL NO.23 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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Mr. Ankit R. Tripathi i/b. FF & Associates for the Appellant
Mr. Ghansham Ramchandani for the Respondent.

CORAM : K. K. TATED, J.

DATE : JUNE 24, 2015

P.C.:

1. Heard. This Application is preferred by the Appellant for stay of the operation and implementation of the impugned judgment and award dated 22/05/2014 passed by the Commissioner for Workmen's Compensation and Judge, 3rd Labour Court, Mumbai in Application (WCA) No.373/B/77 of 2013 holding that the Respondent claimant is entitled to compensation of Rs.5,81,324/- with 12% p.a. interest and penalty amount of Rs.2 lacs along with cost of Rs.5000/-.

2. The learned counsel for the Applicant submits that the said amount is already deposited in the Tribunal as per order dated 23/12/2014

passed by this court. He submits that if amount is withdrawn by the Respondent-claimant, nothing will survive in the present proceedings. He further submits that the Tribunal erred in coming to the conclusion that the Respondent is entitled to any compensation in the present proceedings.

3. On the other hand, the learned counsel for the Respondent-claimant vehemently opposed the Civil Application. He further submits that the Applicant is a senior citizen. He is in need of money for his livelihood. Hence, the Applicant preferred Civil Application No.381/2015.

4. Considering the submissions made by the learned counsel for the Applicant and the averments made in the Civil Application, following order is passed:

a. Civil Application is allowed in terms of prayer clause (a) which reads thus:

“(a) Pending the hearing and disposal of the above numbered appeal, this Hon'ble Court may be pleased to stay the effect, operation, implementation and execution of the Judgment and Order dated 22/05/2013 passed by the Labour Court, Mumbai Maharashtra in Application (WCA) No.373/B-77/2013 until further orders.”

b. Civil Application No.381/2015 filed by the claimant for withdrawal of the amount will be decided on merits.

c. Civil application stands disposed off accordingly.

JUDGE