

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

**CIVIL APPLICATION NO. 3597 OF 2012
IN
FIRST APPEAL NO. 1019 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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Ms. Poonam Mittal for the applicant.

Mr. Anil S. Kadam for the respondent no.1.

CORAM : K. K. TATED, J.

DATED : 18/04/2015.

PC.:

. Heard learned Counsel for the parties.

2 This application is preferred by insurance company for stay of operation and implementation of the Judgment and Award dated 23.02.2012 passed by the Commissioner for Workmen's compensation and Judge, Fourth Labour Court at Mumbai in Application (WCA) No. 869/C-314 of 2006.

3 The learned Counsel for the insurance company submits that as per order dated 17.10.2012 passed by this court, they already deposited entire decretal amount in Trial Court. The statement is accepted.

4 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.

5 In the present proceeding, the claimant preferred Civil Application no. 2642 of 2013 for withdrawal of amount and that application will be decided on its own merits.

6 Considering the submissions made by learned counsel for the applicant and averments made in civil application, the following order is passed:

ORDER

a) The operation and implementation of the Judgment and Award dated 23.02.2012 passed by the Commissioner for Workmen's compensation and Judge, Fourth Labour Court at Mumbai in Application (WCA) No. 869/C-314 of 2006, is stayed only in favour of insurance company.

b) The Tribunal is directed to invest the amount in Fixed deposits of any Nationalised Bank, initially for the period of one year and same to be continued till hearing and final disposal of the First Appeal.

c) Civil Application no. 2642 of 2013 preferred

by claimant will be decided on its own merits.

d) Civil Application is disposed of accordingly.

(K.K.TATED, J.)