

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR

CAF no.1117/2014 in FA St. NO.6607/2014
M/s. Krushna Security Service Vs. The Oriental Insurance Co.Ltd.

Notes, Office Memoranda of
Coram, appearances, Court's orders
or directions and Registrar's orders.

Court's or Judge's
Orders.

CORAM : Z.A. HAQ, J
DATE : 20th January, 2015.

Heard Shri A.P. Wachasunder, the learned Advocate for the applicant and Shri S.U. Bhuyar, the learned Advocate for the non-applicant nos.2 and 3. None for the non-applicant no.1.

For the reasons stated in the application, the delay of nine days in filing the appeal is condoned. Civil Application is allowed.

FA ST. No.6607/2014

Taken up on board for admission.

Admit.

Shri S.U. Bhuyar, the learned Advocate waives notice for the respondent nos.2 and 3.

The appellant shall file private paper book within six months from today, failing which the appeal shall stand dismissed without reference to the Court.

CAF No.1118/2014

As per the order passed by the Commissioner under the Workmen's Compensation Act on 4th January, 2014 the appellant is liable to pay penalty equivalent to 50% of the amount of compensation to the respondent nos. 2 and 3 in the proportion as determined by the learned Commissioner by the order dated 27th January, 2014. Shri Wachasunder, the learned Advocate for the appellant submitted that the amount as per the award has been deposited by the Insurance

Company. On this statement, this Court granted interim stay by the order dated 5th May, 2014. However, considering the fact that the amount of penalty is required to be paid by the appellant and not by the Insurance Company, the order passed by this Court on 5th May, 2014 is modified.

There shall be interim stay to the execution of the impugned award against the appellant, subject to the appellant depositing the amount of penalty as directed by the learned Commissioner with the Registry of this Court till 17th March, 2015, failing which the interim stay shall stand vacated without reference to the Court.

List the application for further orders regarding the entitlement of the respondent nos. 1 and 2 to withdraw the amount, on 27th March, 2015.

JUDGE

Ambulkar