

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

FIRST APPEAL NO.1000/2014

Mohd. Ibrahim s/o Abdul Salim Qureshi

..Versus..

Smt. Shantabai wd/o Suryabhan Bagde and another

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

Court's or Judge's orders

CORAM : Z.A. HAQ, J.

DATE : 11.2.2015

Heard Shri P.A. Abhyankar, the learned advocate for the
appellant. None appears for the respondents.

Shri Abhyankar, the learned advocate submits that he is
restricting the claim in the appeal on the point of liability of the
respondent no.1 - Insurance Company to indemnify the appellant. It is
submitted that the appeal be treated as appeal under Section 30(1)(d)

of the Employees Compensation Act, 1923. It is submitted that in view of this, the requirement of depositing the amount as per the impugned order as per the third proviso below Section 30(1) of the Employees Compensation Act, 1923 does not exist. It is further submitted that in view of the claim made by the appellant in the appeal and the fact that the appellant is not challenging the entitlement of the respondent no.1 - the claimant (widow of the deceased), he is not pressing the Civil Application No.1112/2014. Accepting the submissions made on behalf of the appellant following order is passed :-

Admit.

The claim of the appellant is restricted as per Section 30(1)(d) of the Employees Compensation Act, 1923 as recorded above.

C.A.F. NO.1112/2014

As the appellant is not challenging the entitlement of the respondent no.1 - claimant to receive the amount of compensation, the appellant is not pressing the civil application. The civil application is

dismissed accordingly. The respondent no.1 - the claimant is at liberty to proceed with the execution of the award.

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

JUDGE

Tambaskar.