

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

CIVIL APPLICATION NO.2205/2014
IN
FIRST APPEAL NO. 1343/2014

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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Mr. S. S. Jinsiwale for the Appellant
Mrs. Pavitra Manesh i/b. Meelan Topkar for the Respondent No.2.
Mr. Manoj A. Patil for Respondent No.1.

CORAM : K. K. TATED, J.
DATE : JANUARY 7, 2016

P.C.:

1. Heard. This Application is made by the Insurance Company for stay of the operation and implementation of the impugned judgment and award dated 17/12/2013 passed by the Commissioner for Employees Compensation, Kolhapur in WCA NO.17/2003.

2. The learned counsel for the Insurance Company submits that the Trial Court erred in coming to the conclusion that the Insurance Company is liable to pay interest @ 12% p.a. from the date of filing the Application till realization. In support of this contention, he relies on the

judgment of the Apex Court in the matter of *New India Insurance Co. Ltd. Vs. Harshadbhai Amrutbhai Modhiya & Anr. 2006 (5) SCC 192.*

3. Considering the submissions made by the learned counsel for the Applicant and the law declared by the Apex Court in the matter supra, I am satisfied that the Applicant has made out a case for allowing the Civil Application .

4. Hence, following order is passed:

a. The operation and implementation of the impugned judgment and award dated 17/12/2013 passed by the Commissioner for Employees Compensation, Kolhapur in WCA NO.17/2003 is stayed in favour of the Applicant Insurance Co. till hearing and final disposal of the appeal, subject to the Applicant depositing entire awarded amount in the Trial Court within 8 weeks from today.

b. If amount is not deposited within stipulated time as stated hereinabove the Civil Application shall stand dismissed without further reference to the court.

c. The Tribunal is directed to invest the entire awarded award amount in a fixed deposit account

of any Nationalized Bank, initially for a period of one year and same shall be renewed from time to time till hearing and final disposal of the appeal.

d. Liberty granted to the claimants to prefer an appropriate Application for withdrawal of amount, if they so desire, which will be decided on its own merits

e. The statutory deposit, if any, made by the Applicant at the time of filing the First Appeal be transferred to the Tribunal.

f. Civil application stands disposed off accordingly.

JUDGE