

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

CIVIL APPLICATION NO.3002 OF 2014

IN

FIRST APPEAL (ST) NO.3215 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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Mr.M.M.Sathaye for the applicant

Mrs.Rina Kundu for the respondent no.1 and 2

CORAM : K.K.TATED, J.

DATED : 04/03/2016

PC:

- 1 Heard the learned counsel for the parties.
- 2 This application is preferred by Insurance Company for stay of the operation and implementation of the judgment and award dated 5.10.2013 passed by 4th Labour Court, Thane in Application (WCA) No.228/B-53-2009 holding that claimants are entitled sum of Rs.4,36,940/- by way of compensation.
- 3 The learned counsel for the applicant Insurance Company submits that she received instruction from the Insurance Company that they are ready and willing to deposit entire awarded amount in the Labour Court within four weeks from today. Statement is accepted.
- 4 Considering the submissions made by the learned counsel for the applicant and the

averments made in Civil Application, I am satisfied that the applicant has made out a case for allowing Civil Application. Hence, following order is passed:

- a. The operation and implementation of the impugned judgment and award dated 5.10.2013 passed by 4th Labour Court, Thane in Application (WCA) No.228/B-53-2009 is stayed, till hearing and final disposal of the appeal on condition that the Applicant Insurance Company to deposit the entire awarded amount with interest, cost, if any, in the Labour Court within four weeks from today, failing which the Civil Application shall stand dismissed without further reference to the court.
- b. If the entire awarded amount is not deposited within stipulated time as stated hereinabove, the Respondent-claimants are entitled to execute the award as per law.
- c. If the entire awarded amount is deposited within stipulated time as stated hereinabove, the Labour Court is directed to invest the entire awarded 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. It is made clear that present stay is granted only in favour of Insurance Company. Liberty granted to the respondents claimants if they so desire to proceed for execution against owner of the vehicle according to law.

f. Civil application stands disposed off accordingly.

JUDGE