

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

CIVIL APPLICATION NO.600 OF 2014

IN

FIRST APPEAL (ST) NO.3354 OF 2012

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.Devendranath S. Joshi for the applicant
Mr.V.M.Parkar for the respondent

CORAM : K.K.TATED, J.

DATED : 29/01/2016

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 24.8.2011 passed by Commissioner for Workmen's Compensation and Judge, 3rd Labour Court, Mumbai in Application (WCA) No.605/C-195 of 2007.
- 3 The learned counsel for the applicant submits that the applicant already deposited entire awarded amount in the Tribunal. Statement is accepted.
- 4 In the present proceeding, respondent claimant preferred Civil Application No.2978 of 2015 for withdrawal of the amount.

5 Considering the submissions made by the learned counsel for the Applicant and the averments made in the Application, I am satisfied that the Applicant has made out a case for allowing the present Civil Application. Hence, following order:

- a. The operation and implementation of the impugned judgment and award dated 24.8.2011 passed by Commissioner for Workmen's Compensation and Judge, 3rd Labour Court, Mumbai in Application (WCA) No.605/C-195 of 2007 is stayed, till hearing and final disposal of the appeal.
- b. 3rd Labour Court is directed to invest the entire 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.
- c. Civil Application No.2978 of 2015 filed by the respondent claimants will be decided on its own merits
- d. Liberty granted to the Respondent-claimant to execute the judgment and award against the owner of the vehicle according to law.
- e. Civil application stands disposed off accordingly.

(K.K.TATED, J.)