

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

**CIVIL APPLICATION NO.518 OF 2016  
IN  
FIRST APPEAL NO.200 OF 2016**

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| 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.N.R.Bubna for the applicant

**CORAM : K. K. TATED, J.  
DATED : 09/02/2016**

**PC.:**

. Not on board. At the request of Advocate for the applicant, matter is taken on board for urgent orders.

2 The learned counsel for the applicant submits that they deposited entire awarded amount in the Trial Court. He submits that if entire amount is withdrawn by the respondent claimant then nothing will survive in the present proceeding. Hence, there is urgency in the present matter.

3 This application is preferred by original respondent for stay of the operation and implementation of the judgment and award dated 3.12.2015 passed by Commissioner for Workmen's Compensation and Judge, First Labour Court, Thane in Application (WCA) No.235-B-57-2012 holding

that the claimants are entitled compensation of Rs.5,84,800/- with 12% interest from the death of deceased Vijay Sawant till realisation and also sum of Rs.15,76,045/- towards medical bills.

4 The learned counsel for the applicant submits that Labour Court erred in coming to the conclusion that the respondents claimants are entitled sum of Rs.15,76,045/- towards medical bills. He further submits that Corporation paid sum of Rs.1.0 lac towards compensation to the claimants. He submits that the said amount was not considered by the Trial Court at the time of passing impugned judgment and award. He submits that the compensation awarded by the Tribunal is on higher side. He submits that they have good chance of success in the present matter.

5 The learned counsel for the applicant submits that they have deposited entire awarded amount as per the provisions of the Workmen's Compensation Act, 1923 under section 30. He submits that if entire amount is withdrawn by the respondent claimant then nothing will survive in the present proceeding.

6 Learned counsel for the applicant submits that in the interest of justice, this Hon'ble Court be pleased to stay the operation and implementation of the impugned judgment and award passed by the Tribunal till the hearing and final disposal First Appeal.

7 It is to be noted that in the present proceeding, claimant no.1 is the wife and claimant nos.2 and 3, daughters of the deceased. On the date of accident, which occurred on 25.8.2011, the deceased was 52 years old and was getting salary of Rs.14,000/- per month.

8 Considering the evidence on record, Labour Court awarded sum of Rs.5,84,800/- towards compensation and Rs.15,76,045/- towards medical expenses. Considering these facts and as claimant no.1 is a widow, I am of the opinion that claimants can withdraw some amount without furnishing any security. Hence, following order:

- a. The operation and implementation of the impugned judgment and award dated 3.12.2015 passed by Commissioner for Workmen's Compensation and Judge, First Labour Court, Thane in Application (WCA) No.235-B-57-2012 is stayed, till hearing and final disposal of the appeal.
- b. Responent no.1, Smt. Karuna Vijay Sawant is allowed to withdraw Rs.3.0 lacs with accrued interest, respondent no.2, Kum.Priyanka Vijay Sawant is allowed to withdraw Rs.75,000/- with accrued interest and Kum.Pranti Vijay Sawant is allowed to withdraw Rs.75,000/- with accrued interest without furnishing any security.
- c. The Trial Court is directed to invest the remaining

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 further amount, if they so desire, which will be decided on its own merit.

e. Civil application stands disposed off accordingly.

**(K.K.TATED, J.)**