

IN THE HIGH COURT OF JUDICATURE AT BOMBAY**CIVIL APPELLATE JURISDICTION****WRIT PETITION NO. 1523 OF 2003**

SNP Shipping Services Pvt.Ltd.

...Petitioner

vs.

Smt.Banumati widow of Kantilal
Solanki & Ors.

....Respondents

with

WRIT PETITION NO. 9098 OF 2015Smt.Banumati widow of Kantilal
Solanki & Ors.

...Petitioners

vs.

SNP Shipping Services Pvt.Ltd.

....Respondent

Mr.Zarir Bharucha I/b. Shivam Singh for Petitioner.

Ms.Karuna Yadav I/b. N.M. Ganguli for Respondents.

CORAM : S.C. GUPTE, J.**24 JUNE 2016****P.C. :**

The matter has been argued at length by the respective Counsel. Upon hearing the arguments from the respective counsel and perusal of the record, this Court is of the view that the order of the Labour Commissioner is unsustainable in law and the matter ought to be remanded. Considering, however, that such remand may entail further rounds of litigation, resulting into loss of time and money, in a matter pertaining to an incident of 1996, upon a query of this court, the Petitioner offered to pay the 1st Respondent a sum of Rs. 10,00,000/- (Rupees Ten Lacs Only) as full and

final settlement of all claims made by the 1st Respondent against the Petitioner. The Respondents agreed to accept this amount in full and final settlement of the claim.

2. I am of the view that this amount of Rs.10 lacs, in addition to the sum of Rs.60,000/- deposited by the Petitioner in Civil Application No.2570 of 2003 in Writ Petition No.1523 of 2003, adequately compensates the 1st Respondent, in the peculiar facts and circumstances of the case. The petition is, accordingly, being disposed of by setting aside the impugned orders of the courts below and recording the 1st Respondent's acceptance of the sum offered in full and final settlement of her claim under the Workmen's Compensation Act.

3. The Petitioner, on the instructions of the first Respondent, tenders in my presence today in court five cheques of Rs 2,00,000/- each in favour of the 1st Respondent and her four daughters, namely, Mrs. Shital Chetan Solanki, Mrs. Purvi Pankaj Kapadia, Miss Anjali Kantilal Solanki and Miss Nikita Kantilal Solanki in full and final satisfaction of all claims made by the 1st Respondent and other heirs of the deceased workman against the Petitioner. The petition is made absolute in terms of prayer clauses (a) and (b) and the impugned orders of the Labour Commissioner dated 25th July 2002 and 18th December 2002 are set aside. There shall be no order as to costs.

4. The 1st Respondent has filed another writ petition (WP No. 9098 of 2015) pertaining to the same matter. In the light of the payment of the sum of Rs 10,00,000/- by the Petitioner to the 1st Respondent, as noted above, this petition is also accordingly disposed of.

5. The Prothonotary is directed to release the sum of INR 60,000, deposited with this Court vide order dated 30th June 2004, in Writ Petition No.1008 of 2004 in favour of Respondent No. 1, together with accrued interest, if any, in favour of Respondent No. 1.

(S.C. Gupte, J.)