

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

**CIVIL APPLICATION NO.1029 OF 2015  
IN  
FIRST APPEAL (ST). NO.16622 OF 2014**

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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.D.R.Mahadik for the applicant

Mr.Rahul Mehta i/b M/s.KMC Legal Venture  
for the respondent nos.1 and 2

**CORAM : K.K.TATED, J.**  
**DATED : 19/01/2016**

**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 impugned judgment and award dated 19.12.2013 passed by 9<sup>th</sup> Labour Court, Mumbai in Application (WCA) No.736/B-136-07 by which the Trial Court held that the respondents claimants are entitled compensation amount of Rs.4,33,820/- with interest 12% p.a. from 1.9.2005.
- 3 The learned counsel for the Insurance Company makes a statement that they are ready

and willing to deposit entire awarded amount in the Tribunal within six weeks from today. Statement is accepted.

4 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 is passed:

a. The operation and implementation of the impugned judgment and award dated 19.12.2013 passed by Commissioner for Employees Compensation & Judge, 9<sup>th</sup> Labour Court, Mumbai in Application (WCA) No.736/B-136 of 2007 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 Tribunal within 6 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, liberty granted to the claimants to prefer an

appropriate Application for withdrawal of awarded amount, if they so desire, which will be decided on its own merits.

d. The Tribunal is directed to invest the 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.

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.

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