

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR

C.A.F. NO.3497/2015
IN
FIRST APPEAL STAMP NO.14842/2015

Manager, Gondagaon Open Cast Mine of M/s. W.C.L. Colliery, Post. Gondagaon, Tah.
 Parseoni, Distt. Nagpur

..VS..

Nabi Mehbub Sheikh

 Office Notes, Office Memoranda of Coram,
 appearances, Court's orders of directions
 and Registrar's orders

Court's or Judge's orders

CORAM : Z.A.HAQ, J.
DATED : 20.9.2016.

Heard Shri A.M. Ghare, Advocate for the
 applicant/appellant and Shri N.G. Jetha, Advocate for the
 respondent.

Though the application is opposed, considering
 the reasons given in the application, the delay of 78 days in
 filing the appeal is condoned. The civil application is
allowed.

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Taken up for hearing on admission.

After haring, the following substantial questions
 of law arise for consideration:

(i) *Whether the Tribunal could have granted compensation, when the injury suffered by the respondent/employee is not specified in Schedule I of the Employees Compensation Act, 1923 ?*

(ii) *Whether the Tribunal has committed an error in treating the case of respondent/employee under Section 4(1)(b) of the Employees Compensation Act, 1923, without recording finding that the injury suffered by the employee falls under part I and/or Part II of Schedule I of the Employees Compensation Act, 1923 ?*

ADMIT.

Call R & P.

The appellant shall file private paper book within six months.

Shri N.G. Jetha, Advocate waives notice for the respondent.

Considering the facts of the case, the respondent is permitted to withdraw Rs.3,00,000/- (Rs. Three Lakhs Only) from the amount deposited by the appellant before the Labour Court/Commissioner. The balance amount be continued in fixed deposit in nationalized bank.

The parties are at liberty to request for grant of early hearing after the paper book is filed.

JUDGE

Tambaskar.

CERTIFICATE

“ I certify that this Judgment/Order uploaded is a true and correct copy of original signed Judgment/Order”.

Uploaded By : N.V. Tambaskar.
Personal Assistant.

Uploaded On : 23.9.2016.