

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

First Appeal No.687 of 2015

(The New India Assurance Co. Ltd., Head Office at Mumbai, through the
Divisional Manager, Nagpur v. Ajay s/o Parasram Waghaye and others)

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

Shri P.S. Sahare, Advocate for Appellant.

Shri S.D. Sirpurkar, Advocate for Respondent No.2.

Shri H.N. Verma, Advocate for Respondent No.3.

Coram : R.K. Deshpande, J.

Date : 19th January, 2016

In Applications (NFWCA) No.01 of 2009 and 02 of 2009,
the Commissioner under the Workmen's Compensation Act, 1923
has passed a common order on 4-10-2012, the operative part of
which is reproduced below :

“1. Application (NFWCA) No.01/2009 is hereby disposed
off.

2. Application (NFWCA) No.02/2009 is hereby partly
allowed.

3. Non-applicants are hereby directed to pay
compensation of Rs.2,30,568/- to the applicant, jointly and
severally along with 12% interest from one later of accident
i.e. 3.12.2007 till its realization.

4. Non-applicant Nos.1 & 2 are hereby directed to pay

jointly and severally to applicant 50% penalty on compensation amount i.e. Rs.1,15,284/-.

5. *It is further directed that cost of Rs.5000/- to be paid to applicant by all non-applicants jointly and severally.”*

The offending vehicle was insured with the respondent No.4-Iffco Tokio General Insurance Ltd., whereas the risk of the claimant-Ajay s/o Parasram Waghaye was covered by the appellant-The New India Assurance Co. Ltd. As per the order passed by the Commissioner, the operative part of which is reproduced above, both the Insurance Companies, i.e. the appellant and the respondent No.4, are liable to pay 50% each of the decretal amount along with interest thereon.

Thus, no substantial question of law arises for consideration by this Court. The appeal is, therefore, dismissed.

The amount, if any, deposited by the appellant in the Court of Commissioner under the Workmen's Compensation Act is directed to be withdrawn by the claimants proportionately along with interest, if any accrued thereon.

The claimant shall be at liberty to execute the decree against the respondent No.4, in proportion.

Judge.