

FARAD CONTINUATION SHEET
IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
CIVIL APPLICATION NO. 3660 OF 2016
IN
FIRST APPEAL NO. 1325 OF 2013

Smt. Shanti C. Tiwari and ors.	.. Applicants
In the matter between	
The New India Assurance Co. Ltd.	.. Appellant.
vs.	
Smt. Shanti C. Tiwari and ors.	.. Respondents.

Office Notes, Office
memorandum of Coram,
appearance, Court's
orders or directions &
Registrar's orders.

Court's or
Judge's orders.

Mr. A.M. Gokhale for the Applicants.
Mr. D.R. Mahadik for original Appellant.

CORAM : M. S. SONAK, J.
DATE : 10 JANUARY 2017.

P.C. :-

1] It is clarified that the interim relief granted in this case only restrains the respondents (original claimants) from executing the impugned order against the appellant Insurance Company. There is no restraint insofar as the execution of the impugned award against the employers. Accordingly, the respondents ,i.e. the original claimants are at liberty to institute execution proceedings against the employers.

2] Leave is granted to Smt. Shanti C. Tiwari, the widow of the workmen, who is stated to have been died in

an accident arising out of an in the course of his employment, to withdraw an amount of Rs.35,000/- from out of the amount deposited by the original appellant in the Labour Court. Smt. Shanti Tiwari shall, however, file an undertaking in this court that she shall refund the amount in case she is directed to do so, at the stage of final disposal of the appeal. In the undertaking, she shall also undertake to bring back the amount of Rs.35000/-, in case, she is successful in recovering the entire awarded amount from the employer. To the execution application, which the respondents (original claimants) shall file, even the Insurance Company shall be made as a formal party.

3] The balance amount shall be invested by the Labour Court in a Nationalised Bank for an initial period of one year and thereafter shall be renewed from time to time until further orders from this court.

4] Accordingly, This civil application is disposed of accordingly.

(M. S. SONAK, J.)