

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

CIVIL APPLICATION NO.3513 OF 2017
IN
REJECTED CASE NO.2140 OF 2017

Bajaj Allianz General Insurance Co. Ltd. .. Applicant
Versus
Raje Mndde Gowada & Anr. .. Respondents

Mr. D.S.Joshi for applicant

CORAM : MRS. MRIDULA BHATKAR, J.

DATE : 14th November 2017.

P.C.

Upon urgent mentioning, taken on Production Board.

2] Learned Counsel for the applicant submits that the first appeal was dismissed before giving notice to the other side. Hence, this application for restoration is moved without notice to other side.

3] Learned Counsel for the appellants submits that this appeal is filed by the Insurance Company, thereby challenging the judgement and award passed by the Commissioner for Workmen's Compensation dated 1st February 2016 in Application (WCA)

No.127/B-25/2006.

4] By order dated 21st August 2017, this Court had directed to deposit the entire amount of compensation as per the impugned judgement and award within five weeks from the date of the order which was not complied with by the appellants and, therefore, the appeal came to be dismissed.

5] Learned Counsel for the appellants prays for restoration of the appeal and submits that the appellants Insurance Company is ready to deposit the entire amount of compensation with the Commissioner for Workmen's Compensation within two weeks.

6] Heard learned Counsel for appellants. Perused the order dated 21st August 2017. The order of dismissal is recalled. The first appeal is restored to its original file along with interim orders, if any, subject to appellants – Insurance Company depositing the entire amount of compensation along with interest accrued thereon, on or before 30th November 2017. On such deposit, the execution of impugned judgement, order and award is hereby stayed for ten weeks. If the amount is not deposited within the stipulated time, the

appeal to stand dismissed.

7] Issue notice to the respondents, returnable ten weeks (23rd January 2018)

(MRS.MRIDULA BHATKAR, J.)