

Vidya Amin

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

FIRST APPEAL No. 59 OF 2018
WITH
CIVIL APPLICATION No. 248 OF 2018

Smt. Zaverben Popatlal Premji Arrogyadham ... Appellant
Vs.

Employees State Insurance Corporation
through its Dy. Director ... Respondent

Mr. S.C. Naidu and Mr. Aniketh Poojari a/w. Mr. T.R. Yadav i/b. C. R.
Naidu & Co., Advocate for the appellant.
Mr. P.M. Palshikar, Advocate for the respondent.

CORAM: MRS.MRIDULA BHATKAR, J.
DATE: 18th January, 2018.

P.C.:

Upon mentioning, taken on production board.

2. This Appeal is directed against the judgment and order dated 24th October, 2017 passed by the learned Judge, Employees Insurance Court, Pune thereby rejecting the Application filed by the appellant/original applicant.

3. The learned counsel for the appellant/applicant has challenged the initial order dated 14th May, 2012 passed by the Deputy Director of Employees State Insurance Corporation (E.S.I.C.) under section 45 of the E.S.I. Act. The Deputy Director, E.S.I.C. has determined

the contribution of Rs.25,126/- to be paid by the applicant as contribution for the period from May 2009 to March 2010 by order dated 24th April, 2014. The learned Judge of E.S.I. Court, Pune has directed the appellant to deposit Rs.12,000/- in the Court within one month and on this condition, the recovery against the appellant was stayed. The learned counsel submitted that the said amount was deposited within one month and the order was complied, so pending Application No. 8 of 2012, the stay continued till the Application was finally decided, i.e. rejected by order dated 24th October, 2017 by the learned Judge of E.S.I. Court, Pune. The learned counsel prays that the said stay be continued in this Appeal till admission.

4. The learned counsel for the respondent submitted that the appellant be directed to deposit the entire amount.

5. In view of the submissions, the appellant is directed to deposit remaining amount of Rs.13,126/- in this Court within three weeks from today. Subject to compliance of the condition, the impugned stay order passed by the trial Court to continue pending admission.

6. Civil Application is allowed and is accordingly disposed of.

7. Place the Appeal for admission on 3rd April, 2018. The learned counsel for the appellant is allowed to file private paper book and copies is to be given to the other side.

(MRIDULA BHATKAR, J.)