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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

FIRST APPEAL (ST) NO.14775 OF 2016

The Oriental Insurance Co.ltd	...	Appellant
V/s.		
Prbhavati Kailash Maurya and ors	...	Respondents

Mr. Devendranath Joshi, for the appellant.
Mr. Krishna Kumar Mishra, for respondent Nos. 1 to 5.

CORAM : DR.SHALINI PHANSALKAR-JOSHI, J.

DATE : 11th OCTOBER, 2018.

P.C. :

- 1] Heard learned counsel for appellant and respondents.
- 2] Learned counsel for respondents submits, by relying on the judgment of this Court, in the case of **United India Insurance Co.Ltd -vs- Mulla Chandpasha Maheboobsah [2015 DGLS (Bom) 82]**, that in view of third proviso to Section 30(1) of the Employees Compensation Act, the appeal itself is not tenable, unless the appellant deposits the entire amount of compensation as awarded by the Commissioner, in the Court. Here, in case it is submitted that as the amount is not deposited, appeal is required to be dismissed.
- 3] Learned counsel for appellant submits that the third proviso to Section 30(1) of the Employees Compensation Act, is applicable only to employer and not when the appeal is preferred by

the Insurance Company. Learned Counsel, for appellant, therefore, seeks time to argue on this legal position, hence, stand over to **24.10.2018.**

[DR.SHALINI PHANSALKAR-JOSHI, J.]