

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

CIVIL APPLICATION NO. 317 OF 2019

IN

FIRST APPEAL (ST.) NO. 412 OF 2019

Office Notes, Office Memoranda of Coram, appearances, Court's orders or directions and Registrar's orders	Court's or Judge's orders.
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Sarthak Diwan for the Applicant.
T. J. Mendon for Respondent No.1.

**CORAM: K.K.TATED, J.
DATED : OCTOBER 1, 2019**

PC.

1 Heard.

2. By this Civil Application, the Applicant is seeking stay of the operation and implementation of the impugned Judgment and award dated 30/01/2018 passed by the Commissioner for Employees Compensation and Judge, First Labour Court, Mumbai in Application (WCA) No. 205/C-37/2014 holding that the Respondents/Original Claimants are entitled to sum of Rs. 4,76,976/- by way of compensation with interest.

3. The Learned Counsel for the Applicant

submits that, the Applicant has already deposited the entire awarded amount before the Labour Court. Statement is accepted. He submits that, pending the hearing and final disposal of the First Appeal, this Hon'ble Court be pleased to stay the operation and implementation of the impugned Judgment and award dated 30/01/2018. He submits that if the entire amount is withdrawn by the Claimants, then nothing will survive in the present proceeding.

4. The Learned Counsel for the Respondents/Original Claimants submits that, they have preferred Civil Application No. 1240/2019 for permission to withdraw the said amount.

5. Considering the submission made by the Learned Counsel for the Applicant and the averments made in Civil Application, I am satisfied that the Applicant has made out a case for allowing this Civil Application. Hence, the following order:

a. Civil Application is allowed in terms of prayer clause (b) which reads thus:

“b. That pending hearing and final disposal of the present First Appeal, the effect,

operation, implementation and execution of the impugned Judgment and Award dated 30.01.2018 passed by the Ld. Commissioner For Employees Compensation and First Labour Court at Mumbai, in Application (WCA) No. 205/C-37/2014 and disbursal of amount there under, be kindly stayed;”

b. Civil Application No. 1240/2019 preferred by the Claimant to be heard on its own merits.

c. The Labour Court is directed to invest the entire amount in a fixed deposit of any Nationalized Bank, initially for a period of one year which shall be renewed from time to time till further orders.

(K.K.TATED, J.)