

FARAD CONTINUATION SHEET
IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

CIVIL APPLICATION NO.1953/2019
in
FIRST APPEAL (STAMP)NO.7026/2019

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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Mr.S.M.Donge, Advocate for applicant.
Mr.T.J. Mendon advocate for respondent.

CORAM : K.K.TATED, J.
DATED : JUNE 4, 2019

P.C.

At the request of learned Advocate for applicant, the matter is shown on production board because of urgency.

2. Heard learned counsels for parties.

3. Learned counsel for applicant submits that by this civil application, the applicant/Insurance Company is seeking stay of operation and implementation of Judgment and Award dated 4.1.2019 passed by 7th Labour Court, Mumbai in Application (WCA)No.531/C-128 of 2014 holding that, the respondents/claimants are entitled compensation of Rs.13,20,617/- with interest

at the rate of 12% p.a.

3. Learned counsel for applicant/Insurance Company submits that, respondents/claimants already filed application in trial Court for withdrawal of entire amount. Hence, urgency.

4. Learned counsel for applicant submits that they have good chance of success in the present proceeding. He submits that the learned trial court erred in coming to conclusion that there was employer-employee relationship between respondent nos.1 and 2. He submits that if the entire amount is withdrawn by the respondent, then, nothing will survive in the present first appeal.

5. Considering the submissions made by advocate for applicant and averments made in the civil application, I am satisfied that applicant has made out a case for allowing the civil application.

6. At the same time, the respondent/claimant- victim of the accident is also entitled to withdraw some amount.

7. In view of these facts following order is passed.

a) Operation and implementation of the Judgment and Award dated 4.1.2019 passed by the learned Commissioner, Employees Compensation and Judge, 7th Labour Court, Mumbai in Application (WCA) No.531/C-128 of 2014 is stayed till hearing and final disposal of first appeal.

b) Respondent no.1/original claimant is entitled to withdraw 25% amount without furnishing any security.

c) Respondent no.1/original claimant is entitled to withdraw further 25% amount by furnishing solvent security to the satisfaction of trial court within two months from today.

d) Tribunal/Court is directed to invest the remaining amount in fixed deposit in any Nationalized Bank initially for a period of one year and same shall be renewed from time to time till further orders.

e) Civil application stands disposed of.

f) No order as to costs.

(K.K.TATED, J.)

