

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

CIVIL APPLICATION NO. 2791 OF 2009
IN
FIRST APPEAL(STAMP) NO. 8643 OF 2009

The New India Assurance Co. Ltd. Applicant.

Vs.

Tej Bahadur Ramnarayan Tiwari & Ors Respondents

Mr. H. G. Misar for the Applicant.
None for the Respondents.

CORAM : K.K.TATED, J.
DATED : JUNE 20, 2019

P.C.

- 1 Heard learned counsel for the Applicant.
2. By this Civil Application, Applicant insurance company is seeking stay of the operation and implementation of the award dated 15th October, 2008 passed in Application (WCA)No. 612/C-222/2006 passed by the learned Commissioner for Workmen's Compensation, Labour Court, Mumbai during the pendency of the First Appeal.
3. The learned counsel for the Applicant submits that as per order dated 18th July, 2009, they have deposited entire awarded amount. To that effect, there is note on Farhad also. Hence, the statement made by the learned counsel for the Applicant is accepted.

4. The learned counsel for the Applicant submits that pending the hearing and final disposal of appeal, operation and implementation of the impugned judgment and award dated 15th October, 2008 be stayed.

5. Considering the submission made by the learned counsel for the Applicant, averments made in the Civil Application and as the entire amount is deposited by the Applicant, I am satisfied that the Applicant has made out the case for following order.

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

“a. That the execution of the award dated 15/10/2008 passed in W.C. Application No. 612/C-222/2006 passed by the learned Commissioner, Workman compensation at Mumbai, be stayed as against the Petitioners/Appellants pending the hearing and final disposal of this First Appeal.”

b. Liberty is granted to the Respondents/Claimants if they so desire to prefer an appropriate application for withdrawal of the amount and that will be decided on its own merits.

c. The Civil Application stands disposed of accordingly.

(K.K.TATED, J.)