

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

Civil Application No.2518/2013
in
First Appeal No.825/2013

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. D. R. Mahadik for the Applicant
Ms. Varsha Nichani for the Respondent

CORAM: K.K.TATED, J.
DATED : SEPTEMBER 25, 2019

P.C.

1 Mentioned. Not on board. At the request of the learned counsel for the Applicant, taken on board.

2 By this Civil Application the Applicant Insurance Co. is seeking stay to the operation and implementation of the judgment and award dated 02.02.2013 passed by the Commissioner for Workmen's Compensation and Judge 3rd Labour Court, Thane in Application (WCS) No.426/B/118/2011.

3 The learned counsel for the Applicant submits that they have already deposited the entire awarded

amount before the Labour court. The statement is accepted.

4 Considering the submissions made by the learned counsel for the Applicant, the averments made in the Civil Application and as the Appellant has already deposited the entire awarded amount in the Tribunal, I am satisfied that the Applicant has made out a case for allowing the Civil Application.

5 Hence, following order is passed:

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

“(a) That pending the hearing and final disposal of the appeal, the operation of the judgment and order dated 02.02.2013 passed by the Hon'ble G.G.Bhalchandra, Commissioner for Workmen's Compensation and Judge, Third Labour Court, Thane in (WCA) application No.426/B-118 of 2011, be stayed.”

b. The Tribunal is directed to invest the award amount in a fixed deposit account of any Nationalized Bank, initially for a period of one year and same shall be renewed from time to time till hearing and final disposal of the appeal.

c. Liberty granted to the claimants to prefer an appropriate Application for withdrawal of amount, if they so desire, which will be decided on its own merits.

d. The Civil Application stands disposed of accordingly.

e. No order as to costs.

(K.K.TATED, J.)