

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

**CIVIL APPLICATION NO. 2822 OF 2019
WITH
CIVIL APPLICATION NO. 2093 OF 2018
IN
FIRST APPEAL (ST.) NO. 10739 OF 2018**

Shriram General Insurance Co. Ltd.Applicant
V/s.
Nana Bhivsen Ahire and anr.Respondents

**WITH
CIVIL APPLICATION (ST.) NO. 17635 OF 2019
IN
FIRST APPEAL (ST.) NO. 10739 OF 2018**

Nana Bhivsen AhireApplicant

In the matter between :-

Shriram General Insurance Co. Ltd.Appellant
V/s.
Nana Bhivsen Ahire and anr.Respondents

**WITH
CIVIL APPLICATION (ST.) NO. 22712 OF 2019
WITH
CIVIL APPLICATION NO. 2096 OF 2018
IN
FIRST APPEAL (ST.) NO. 10773 OF 2018**

Shriram General Insurance Co. Ltd.Appellant
V/s.
Sandip Bhaskar Chormale and anr.Respondents

**WITH
CIVIL APPLICATION (ST.) NO. 17627 OF 2019
IN
FIRST APPEAL (ST.) NO. 10773 OF 2018**

Sandeep Bhaskar ChormaleApplicant

In the matter between :-

Shriram General Insurance Co. Ltd.Appellant

V/s.

Sandeep Bhaskar Chormale and anr.Respondents

**WITH
CIVIL APPLICATION NO. 1920 OF 2019
WITH
CIVIL APPLICATION NO. 2098 OF 2018
IN
FIRST APPEAL (ST.) NO. 10770 OF 2018**

Shriram General Insurance Co. Ltd.Appellant

V/s.

Ambadas Bhaskar Ranjor and anr.Respondents

**WITH
CIVIL APPLICATION (ST.) NO. 17633 OF 2019
IN
FIRST APPEAL (ST.) NO. 10770 OF 2018**

Ambadas Bhaskar RajnorApplicant

In the matter between :-

Shriram General Insurance Co. Ltd.Appellant

V/s.

Ambadas Bhaskar Rajnor and anr.Respondents

Mr. Nikhil Mehta for the appellant in FA and for the applicant in CAF/2093/2018, CAF/2822/2019, CAF/2096/2018, CAFST/22712/2019, CAF/2098/2018, CAF/1920/2019 and for the respondent in CAFST/17635/2019, CAFST/17627/2019, and CAFST/17633/2019.

Mr. Pritesh Bohade for respondent no.1 and for the applicant in CAFST/17635/2019, CAFST/17627/2019 and CAFST/17633/2019.

CORAM : SMT. ANUJA PRABHUDESSAI, J.
DATED : 16th OCTOBER, 2019

P.C.:-

ORDER IN CIVIL APPLICATION NO. 2822/2019, CIVIL APPLICATION (ST.) NO. 22712/2019 AND CIVIL APPLICATION NO. 1920/2019 :-

. By these applications, the applicant – insurance company has sought substitute service. The records reveal that the notice issued to respondent no.2 is returned unserved with bailiff's remark "not found at given address" and his whereabouts are not known.

2. In the light of the above and in view of the reasons stated in the application, the application is allowed in terms of prayer clauses (a) and (b). Notice is made returnable after a period of eight weeks.

3. Civil Application No.2822/2019, Civil Application (St.) No. 22712/2019 and Civil Application No.1920/2019 stands disposed of.

ORDER IN CIVIL APPLICATION (ST.) NO. 17627/2019, CIVIL APPLICATION (ST.) 17633/2019 and CIVIL APPLICATION (ST.) NO. 17635/2019 :-

4. By these applications, the applicants who are the original claimants have sought withdrawal of the compensation awarded by the Employees Compensation Act and Judge, 2nd Labour Court, Nashik in

W.C. (NF) No.20 of 2011, W.C. (NF) No.21 of 2011 and W.C. (NF) No.22 of 2011 respectively.

5. Considering the reasons stated in the application as well as grounds raised in the appeal memo, the applicants (Nana Bhivsen Ahire, Sandeep Bhaskar Chormale and Ambadas Bhaskar Rajnor) are allowed to withdraw 50% of the compensation **each** along with proportionate interest accrued thereon. The Tribunal to re-invest the balance amount in any nationalized bank till the disposal of the appeal.

6. It is made clear that the payment of compensation is subject to the final outcome of the appeal. The applicants shall give an undertaking before the Tribunal that they shall abide by the order that may be passed in the appeal.

7. Civil Application (St.) No.17627/2019, Civil Application (St.) 17633/2019 and Civil Application (St.) NO. 17635/2019 stands disposed of.

8. Civil Applications for Condonation of delay be listed on 11/12/2019.

Preeti H.
Jayani

Digitally signed by
Preeti H. Jayani
Date: 2019.10.22
15:29:07 +0530

(SMT. ANUJA PRABHUDESSAI, J.)