

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

Civil Application No.1176/2011
in
First Appeal No.2505/2011

Office Notes, Office Memoranda of Coram, appearances, Court's orders or directions and Registrar's orders	Court's or Judge's orders.
Mr. D. J. Bhanage a/w. Mayur Joglekar for the Applicant Mr. H. V. Mehta for Respondent No.1.	

CORAM: K.K.TATED, J.
DATED : OCTOBER 18, 2019

P.C.

1 Heard. By this Civil Application the Applicant Insurance Co. is seeking stay to the operation and implementation of the judgment and award dated 18.09.2010 passed by the Employees Insurance court, Pune in Application (ESI) No.39/2004 dismissing the Applicant's Application u/s.75 of the ESI Act challenging the order dated 16.07.1993 and 02.01.2004 passed by the Respondent u/s.45A of the said Act.

2 The learned counsel for the Applicant submits that at the time of filing the appeal before the ESI Court, Pune they had deposited 50% amount.

He submits that pending the hearing and final disposal of the First Appeal this Hon'ble Court be pleased to restrain the Respondent from withdrawing the said amount. He submits that let the First Appeal be heard on merits.

3 On the other hand learned counsel for the Respondent has vehemently opposed the Civil Application. He submits that let the Applicant to deposit the entire amount with them.

4 Heard both sides. It is to be noted that in the present proceeding the Application filed by the Applicant u/s.75 of the said Act stood dismissed.

5 Considering these facts, the Applicant has to deposit the remaining amount with the Respondent. Hence, following order is passed:

a. The Civil Application is allowed in terms of prayer clause 4(ii) which reads thus, subject to the Applicant depositing the remaining amount with interest as per Section 39(5) of the ESI Act 1948 within 12 weeks from today, failing which the Civil Application shall stand

dismissed without further reference to the court.

Prayer clause 4(ii) read thus:

“this Hon’ble Court may kindly be pleased to stay the operation of the judgment and order dated 18.09.2010 passed by the ESI Court, Pune in application (ESI) No.39/2004.”

b. The Civil Application stands disposed of accordingly.

c. No order as to costs.

(K.K.TATED, J.)