

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

CIVIL APPLICATION NO. 4034 OF 2015
IN
FIRST APPEAL (ST) NO. 32721 OF 2015

Office Notes, Office
Memoranda of
Coram,
appearances, Court's
orders or directions
and Registrar's
orders

Court's or Judge's orders.

Mr. Manish Jain I/b S.M. Jain & Asso. for
the Applicant.

CORAM: K.K.TATED, J.
DATED : 27/09/2019

P.C.

1 Heard learned Counsel for the Applicant.
2 There is delay of 1 year and 174 days in
filing First Appeal challenging the Judgment
and Award dated 07.04.2014 passed by the
Commissioner for Workmen Compensation
Act and Judge, 3rd Labour Court, Mumbai in
Application (WCA) No. 265/C-69/2012
holding that Respondent Claimant is entitled
for compensation of Rs. 9,41,965/- with
interest and penalty. The operative part of
the order reads thus:

- i) *Application is partly allowed.*
- ii) *Both the opponents are hereby
directed to deposit jointly and severally
compensation amount of Rs.9,41,965/-
(Rupees nine lakhs forty one thousand nine
hundred sixty five only) along with 12%
simple interest from 27.01.2012 till actual*

deposit of the amount along with medical expenses of Rs.1,08,677.80 paise.

iii The opponent No.1 employer is hereby directed to deposit lumpsum penalty amount of Rs.2 lakhs and cost of Rs.3000/- in the Court.”

3 The learned Counsel for the Applicant submits that Respondent No.2 Insurance Company also filed Appeal. He submits that they already deposited sum of Rs. 9,41,965/-. He submits that Applicant is ready and willing to deposit the amount as required by Workman Compensation Act. He submits that Applicant will satisfy the Registry about the depositing the amount. He submits that Applicant is required four weeks time to deposit the said amount. On his request, following order is passed:

a) Applicant to comply the provisions of Workmen Compensation Act for filing First Appeal i.e. depositing of amount to the satisfaction of the Registry within four weeks from today, failing which Civil Application shall stand dismissed without further reference to the Court.

b) If amount is deposited within stipulated time as stated above, matter to appear on board on 15.11.2019.

(K.K.TATED, J.)