

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

CIVIL APPLICATION NO.1399/2015
IN
FIRST APPEAL (ST)NO.35578/2013

The New India Assurance Co.Ltd. Appellant.
Vs.
Nigaum S. Tiwari ... Respondents.
Advocate Mr.DR Mahadik for applicant.

CORAM : K.K.TATED, J.
DATED : AUGUST 16, 2019.

P.C.

Heard learned counsel for parties.

2. By this civil application, the applicant is seeking stay of operation and implementation of Judgment and Award dated 30.5.2013 passed by Commissioner, Workmen's Compensation and Judge Second Labour Court, Thane in (WCA)Application No.463/C-101 of 2008.

3. Learned counsel for applicant submits that as per Order dated 16.8.2017, they already deposited entire awarded amount with interest in the Tribunal. He submits that during pendency of hearing and final disposal of First Appeal, this Court be pleased to stay operation and implementation of Judgment and Award

till hearing and final disposal of First Appeal.

4 Considering the submissions made by learned advocate for applicant and the averments made in civil application, and as applicant already deposited the principal awarded amount in the Tribunal as per earlier order dated 16.8.2017, I am satisfied that applicant has made out a case for allowing this Civil Applicant. Hence, following order is passed.

A) Civil application allowed in terms of prayer clause (a) which reads thus;

a) That pending the hearing and final disposal of appeal, operation of the judgment and Order dated 30.5.2013 passed by Hon'ble Dr. AS Newase, Commissioner for Workmen's Compensation and Judge, Second Labour Court, Thane in (WCA) Application No.463/C-101 of 2008 be stayed.

B) Trial court is directed to invest amount in a Fixed Deposit in any Nationalized bank, initially for a period of one year and thereafter same be continued till further orders.

C) Liberty granted to respondents/claimants if they

so desire to prefer appropriate application for withdrawal of amount and that application will be decided on its own merits.

D) Civil application is disposed of.

E) No order as to cost.

(K.K.TATED, J.)

