

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR

CIVIL APPLICATION (CAF) NO. 2472 OF 2019

in

FIRST APPEAL (ST.) NO. 6717 OF 2019

[Mrs. Rekha @ Neha Avinash Ghondadi Vs. Smt. Geeta Kashinath Wankhede and ors.]

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

Court's or Judge's Order

Shri P. R. Puri, Advocate for the appellant

CORAM : M. G. GIRATKAR, J.

DATE : 03/07/2019

Heard learned Advocate Shri Puri for the appellant.
He seeks permission to file the appeal without any deposit
of the amount.

The present application is moved by the owner
without any certificate of the Commissioner in respect of
deposit of payment of compensation.

As per the provisions of Section 30, sub-section (1),
sub-clause (3) of the Employee's Compensation Act, 1923,
appeal cannot be entertained without any certificate by
Commissioner stating therein that employer has deposited
the amount payable under the order appealed against.

Proviso of sub-section (1) of Section 30 of the Employee's Compensation Act, 1923, reads as under:

“Provided further that no appeal by an employer under clause (a) shall lie unless the memorandum of appeal is accompanied by a certificate by the Commissioner to the effect that the appellant has deposited with him the amount payable under the order appealed against”.

There is no dispute that appellant has not deposited any amount before the Commissioner. The appellant has not filed any certificate as per the mandatory provisions of Proviso of sub-section (1) of Section 30 of the Employee's Compensation Act, 1923.

Hence, the present application is not tenable, therefore, the application is rejected.

JUDGE

SMGate