

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

CIVIL APPLICATION NO. 3812 OF 2021 IN
FIRST APPEAL NO. 3351 OF 2019

SHRIRAM BHIMRAO GOLE AND ANOTHER
VERSUS
THE MANAGER, NRB BEARINGS LTD., NEW MIDC JALNA AND ANOTHER

...
Advocate for Applicants : Mr. B.R. Kaware
Advocate for Respondent no. 1 : Mr. Dankh Sachin V.
Advocate for respondent no. 2 : Mr. N.S. Dhoble
...

CORAM : ANIL S. KILOR, J.
DATE : 22-03-2021

ORDER :

1. Heard the learned counsel for the respective parties.
2. Learned counsel for the applicants submits that non-applicant no. 1 has deposited the amount awarded by the Commissioner under the Employees Compensation Act, 1923 in WCA/1/2015, in the Labour Court, Jalna. He submits that the total amount deposited is Rs.3,93,299/-. It is submitted that there is marriage of daughter of the applicant and for the said purpose, he requires the said amount and, therefore, a prayer is made to permit the applicant to withdraw the said amount.
3. Learned counsel for the appellant/non-applicant no.1 strongly opposed the Application and submits that the compensation was awarded by the learned Commissioner without properly considering and determining the loss of earning of the applicant and, therefore, the appellant/non-applicant no. 1 is disputing the entitlement of the applicant as well as the quantum of compensation awarded by the Commissioner under the Employees

Compensation Act, 1923. He, therefore, submits that this Court may not allow applicant to withdraw the amount.

4. After considering the matter for some time on merits, I am of the opinion that to meet the ends of justice, it is necessary to permit the applicant to withdraw Rs.1,00,000/- and hear the matter finally within two weeks. In this matter as the Record and Proceedings of the Commissioner under the Employees Compensation Act, 1923 is already received, present Appeal can be heard and decided finally.

5. In that view of the matter, I pass the following order :

ORDER

I] The Application is partly allowed.

II] Applicant is permitted to withdraw amount of Rs.1,00,000/- deposited before the Labour Court, Jalna, with an undertaking to be filed within two weeks from today to the effect that in case the appellant / non-applicant no. 1 succeeds in the present matter, the applicant would return back the amount to the extent this Court directs to the applicant within the stipulated period.

III] It is made clear that the withdrawal of the amount would be subject to the result of the present Appeal and without prejudice to the legal rights of the parties to the present proceedings.

[ANIL S. KILOR]
JUDGE

arp/