

Shailaja

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
INTERIM APPLICATION NO.235 OF 2021
IN
FIRST APPEAL [STAMP] NO.2195 OF 2021**

The National Insurance Co. Ltd.] Applicant

Vs.

Yasmin Naushad Momin and others.] Respondents

.....
Ms. Poonam Mital, for Applicant.

None for the Respondents.
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CORAM : PRITHVIRAJ K. CHAVAN, J.

DATE : 4th FEBRUARY. 2021.

P.C.

1. A praecipe is moved for seeking ad-interim stay to the execution of the Judgment and order dated 6th February, 2020 passed by Commissioner for Employee's Compensation and Judge, Labour Court, Sangli in Application (ECA) No.30/B-8/2015.

2. Learned Counsel for the applicant submits that entire amount of compensation has been deposited by the applicant-insurer on 30th December, 2020.

3. In view of the said fact, there shall be ad-interim relief in terms of prayer clause (a).

4. Respondents No.1 to 3 are permitted to withdraw 40% of the amount of compensation with accrued interest deposited by the applicant with Commissioner for Employee's Compensation and Judge, Labour Court, Sangli.
5. Respondent No.1 shall furnish an undertaking within one week before Commissioner for Employee's Compensation and Judge, Labour Court, Sangli that if the applicant-insurer succeeds in the appeal, they will return the amount with interest at such rate as would be directed by this Court depending upon the outcome of the first appeal.
6. If respondent No.1 does not file an undertaking within the aforesaid period, the amount deposited by the applicant shall be invested by Commissioner for Employee's Compensation and Judge, Labour Court, Sangli in the fixed deposit of a Nationalized Bank for a period of one year and thereafter for one more year again after obtaining order from this Court.
7. If 40% amount is withdrawn by respondents No.1 to 3, balance amount shall be invested by the Commissioner for Employee's Compensation and Judge, Labour Court, Sangli in a fixed deposit as stated above, in a Nationalized Bank.
8. The application stands disposed of.

[PRITHVIRAJ K. CHAVAN, J.]