Shailaja

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
INTERIM APPLICATION NO.314 OF 2021
IN
FIRST APPEAL [STAMP] NO.96782 OF 2020

Shriram General Insurance Company Ltd.] Applicant
Vs.
Raisa Bano w/o Naseer Alam Ansari]
and others.] Respondents

.....

Mr. Suryajeet P. Chavan i/b Mr. Pandit Kasar, for Applicant.

None for Respondents.

.....

CORAM : PRITHVIRAJ K. CHAVAN, J.

DATE : 15th FEBRUARY, 2021.

P.C:

1. Learned Counsel for the applicant seeks stay to the execution, operation and implementation of the Judgment and Decree dated 11th February, 2020 passed by Commissioner for Employees Compensation and Judge, 3rd Labour Court, Thane in Workmen Compensation Application No.405/B-88/2016 by contending that the the applicant-insurer has a good case on merits.

2. Heard Mr. Chavan, learned Counsel for the applicant.

3. Learned Counsel for the applicant contends that the applicant-insurer has deposited entire amount of claim with the Commissioner. This fact is stated in paragraph 6 of the appeal memo. The statement is accepted.

4. In view of the statement made by the learned Counsel for the applicant, there shall be ad-interim relief in terms of prayer clause (a).

5. The applicant shall inform the factum of deposit of the amount to the respondents within three weeks from today.

6. Learned Counsel for the applicant-insurer objects for withdrawal of the claim amount by respondents No.1 to 3-claimants.

7. Respondents No.1 to 3-claimants are at liberty to withdraw 50% of the amount with accrued interest deposited by the applicant before the Commissioner upon furnishing an undertaking within one week that if the applicant succeeds in the appeal, respondents No.1 to 3 will return the amount with interest at such rate as would be directed by this Court depending upon the outcome of the first appeal. Undertaking shall be filed by respondents No.1 to 3 at the time of withdrawing the amount.

8. If respondents No.1 to 3 do not file an undertaking at the time of withdrawing the amount, the amount deposited by the applicant shall be invested by the Commissioner 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.

9. If 50% amount is withdrawn by respondents No.1 to 3, balance amount shall be invested by the Commissioner in a fixed deposit as stated above, in a Nationalized Bank.

10. The application stands disposed of.

[PRITHVIRAJ K. CHAVAN, J.]