

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

INTERIM APPLICATION NO. 3553 OF 2019

(For stay)

IN

FIRST APPEAL (STAMP) NO. 30594 OF 2019

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1. The New Indian Assurance Co. Ltd. ... Applicant

Vs.

1. Smt. Riya Gajanan Chorghe

& 3 Ors.

... Respondents

.....

Mr. Devendra S. Joshi for applicant/appellant.

Mr. Jeeni Antony for respondents.

.....

CORAM : N.J. JAMADAR, J.

DATE : 4th October, 2021

PER COURT :

1. Heard the learned counsel for the applicant-insurer and the learned counsel for the respondents-original claimants.

2. This application is preferred to stay the execution, operation and implementation of the judgment and award dated 25th June 2018, passed by the Commissioner for Employees' Compensation and Judge, Labour Court, Thane.

3. The applicant-insurer had already deposited the entire amount of compensation along with the interest accrued thereon. The respondents-claimants have been permitted to withdraw a portion of the amount of compensation. The issue of the liability of appellant-insurer on account of the contention that the accident

has not occurred during the course of employment, warrants consideration.

4. Hence, the application stands allowed in terms of prayer clause (a).

(N.J. JAMADAR, J.)