

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

FIRST APPEAL NO. 1129 OF 1996

Shipping Corporation of India
Limited

.... Appellant

v/s.

Smt. Prabha Parbat Gokul Solanki

.... Respondent

Mr. Hafeez-ur-Rehman for the Appellant.

Mr. Ankit Lohia and Mr. Ketan Dave i/b. Darshana Kambli
for the Respondent.

CORAM: SMT. ANUJA PRABHUDESSAI, J.

DATED : 17th AUGUST, 2022.

P. C. :-

. The Appellant – Corporation has challenged the judgment and order dated 10/07/1996 whereby the learned Commissioner under Workmen’s Compensation Act and Judge, Third Labour Court, Mumbai has awarded compensation of Rs.79,860/- to the Respondent, the widow of Parbat Gokal Solanki.

2. It was the case of the Respondent – claimant that her husband was employed with the Appellant – Corporation and that he expired on 20/06/1984 in view of the injuries sustained in the course of his employment. The Appellant – Corporation had denied that the death of said Parbat Solanki had arisen out of and in the course of his

employment. The Appellant had claimed that the deceased had died a natural death.

3. On 04/08/2022, this Court had observed that the deceased was in service of the Appellant for more than 20 years. It was also observed that the claimant had alleged that the deceased was recalled to join the service in June, 1984 and that he had suffered a heart attack while he was staying in seaman's hostel, waiting to join his duties. It was also brought to the notice of the parties that the amount awarded by the learned Commissioner was very meager. Considering the said observations, learned counsel for the Appellant had sought time to take instructions whether the matter could be settled amicably.

4. Today, learned counsel for the Appellant as well as the Respondent have stated that considering the fact that the deceased was in service for over 20 years and also considering the fact that the compensation awarded by the learned Commissioner is very meager, they have decided to settle the matter amicably. Learned counsel for the Appellant states that the Appellant – Corporation is ready and willing to allow the Respondent to withdraw compensation of Rs.79,860/- deposited by the Corporation on 10/09/1996 along with

interest accrued thereon. He submits that the settlement/concession is made only in view of special circumstances and not on the merits of the matter. Learned counsel for the Respondent submits that the Respondent is the only legal representative of the deceased – Parbat Gokal Solanki. He submits that the Respondent shall indemnify claim raised by any other person as the legal representative of the deceased and that undertaking to that effect will be filed before the Labour Court, Mumbai within four weeks.

5. Hence, with consent, Respondent is permitted to withdraw the compensation of Rs.79,860/- with interest accrued thereon.

6. Appeal stands disposed of in above terms.

7. All concerned to act on authenticated copy of this order.

PREETI
H JAYANI

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PREETI H JAYANI
Date: 2022.08.20
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(SMT. ANUJA PRABHUDESSAI, J.)