

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR

FIRST APPEAL NO.1262 OF 2018

(ECA Infrastructure (India) Pvt. Ltd. Vs. Tejrao s/o Keshao More & ors.)

Office Notes, Office Memoranda of
Coram, appearances, Court's Orders
or directions and Registrar's order

Court's or Judge's Order

Shri M.R. Puranik, Advocate for the appellant.
Shri S.W. Sambre, Advocate for respondent Nos.1 to 4.

CORAM : M.S. KARNIK, J.

DATED : APRIL 26, 2022.

CIVIL APPLICATION NO.904 OF 2022

This is an application for furnishing correct address of non-applicant Nos.5 and 6 as the notice has been issued on the previous occasion came back unserved with the report that the address given is not correct.

2. The application deserves to be allowed in terms of the prayer made in the application.

3. The cause title of the appeal memo as well as the other applications is permitted to be amended.

4. Necessary amendment be carried out within a period of one week from today.

CIVIL APPLICATION NO.3670 OF 2018

As the entire decretal amount is deposited before the Commissioner, the application is allowed in terms of prayer clause (i).

2. The application is disposed of accordingly.

CIVIL APPLICATION NO.3161 OF 2019

This is an application for withdrawal of the compensation amount of Rs.14,05,131/- which has been deposited before the Commissioner by the appellant.

2. The deceased-Sunil was employed with the appellant. It is contended that Sunil was the only earning member of his family. The applicant Nos.1 and 2 are his parents whereas applicant Nos.3 and 4 are the sisters of deceased Sunil.

3. The precarious financial condition of the family is mentioned in the application. The compensation is awarded under the Employees Compensation Act, 1923.

4. It is stated that applicant No.4 is of a marriageable age.

5. The application is opposed by the learned counsel for the appellant.

6. Considering the averments made in the application, I am inclined to allow the application in terms of prayer made in the application subject to the applicants furnishing an undertaking that in the event the appellant succeeds, the said amount will be repaid with such interest as directed.

7. The application is allowed. The applicants are permitted to withdraw the amount of Rs.14,05,131/- along with accrued interest, if any.

8. The application is disposed of accordingly.