

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR.

CIVIL APPLICATION (CAF) NO. 949 OF 2023
IN
FIRST APPEAL NO. 462 OF 2022

M.S. KHURANA ENGINEERING LIMITED, AHMEDABAD (GUJRAT) 380015, ALSO OFFICE AT ANJANGAON DIST. AMRAVATI

...VERSUS...

SHAHJAHAN BEE WD/O. ZAHUR SHAH AND ORS.

*Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders.*

Court's or Judge's order

Shri P.N.Varma, Advocate for appellant.

Shri S.A. Mohta, Advocate for respondent nos. 2 to 6/applicants.

CORAM : SMT. M. S. JAWALKAR,J.

DATE : 19th JULY, 2023

The present application is filed by respondent nos. 2 to 6/ applicants for withdrawal of amount.

2. The total decretal amount is deposited by the appellant before learned Commissioner Under Workmen's Compensation Act, Labour Court, Akola (for short, 'Labour Court, Akola'). The respondent no. 1/wife of deceased has died during the pendency of the appeal. The respondent nos. 2 and 3 are parents of the deceased and respondent nos. 4 to 6 are sisters of deceased.

3. For the reasons stated in the application, it will be appropriate to allow the applicants to withdraw 50% of the amount, on furnishing an undertaking that in case, the appellant would succeed in the matter, the applicants will re-deposit the amount with learned Labour Court, Akola, as per final order, which will be passed in the First Appeal.

4. Labour Court, Akola is hereby directed to disburse 50% of the amount so deposited by the appellant in favour of respondent nos. 2 to 5, on furnishing an undertaking as mentioned above.

5. The amount in the share of minor respondent no. 6 is hereby directed to deposit in Fixed Deposit Receipt (FDR) in any Nationalized Bank and respondent no. 2 is allowed to withdraw the interest on the said amount in FDR.

6. Accordingly, the application stands disposed of.

CIVIL APPLICATION (CAF) NO. 1069 OF 2022

Issue fresh notice to the respondent no. 7, returnable within three weeks.

2. The present application is filed by the appellant for grant of stay to the effect, execution and operation of the impugned judgment dated 28/12/2021 passed by learned Commissioner Under the Workmen's Compensation Act, Labour Court, Akola in WCA No. 07/2018.

3. As the total decretal amount is deposited with the learned Commissioner, there shall be stay to the effect, execution and operation of the impugned judgment, till returnable date.

FIRST APPEAL NO. 462 OF 2022

Issue fresh notice to the respondent no. 7, returnable within three weeks.

2. Learned counsel for the appellant is permitted to serve respondent no. 7, by any private mode, in addition to usual mode of service.

(Smt. M.S. Jawalkar, J.)