



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

994 CIVIL APPLICATION NO. 7761 OF 2023
IN FAST/18928/2023

United India Insurance Compnay Ltd Through Branch Manager

VERSUS

Anil Malhari Shinde And Another

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Advocate for Applicant : Mr. Anand Dale h/f Mr.S.S Rathi

Advocate for Respondents : Mr. A.R. Gaikwad

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CORAM : S. G. CHAPALGAONKAR, J.

Dated : April 18, 2024

PER COURT :-

1. Heard learned advocate appearing for the applicant and learned advocate for respondent no.1.
2. Mr. Gaikwad, learned counsel for respondent no.1 points out that because of interim relief granted by this Court, original claimants are not in a position to execute the Award against the employer, who is fastened with liability to pay the penalty. He points out that the Insurer is aggrieved only by the principal Award, but penalty is imposed against the employer. Therefore, he seeks modification of the order on stay application, in case interim relief in terms of the prayer clause 'B' is to be continued.
3. Having considered the submissions advanced, apparently, insurer is challenging the principal award as passed by the Commissioner for Employees Compensation. Therefore, interim relief, if any, can be granted only to the extent of

Principal amount of the award while entertaining the appeal filed by the Insurer. The employer is not in appeal. Hence, Award passed by the Commissioner as against employer shall be executable.

4. In that view of the matter, Civil application is partly allowed. The execution, implementation and operation of the impugned judgment and award dated 23.2.2023 passed by the Commissioner for Employees Compensation and Senior Division, Beed in WCA No.35 of 2016 is stayed to the extent of the applicant only. It is made clear that original claimants shall be at liberty to execute award against employer. Civil application stands disposed off.

(S. G. CHAPALGAONKAR, J.)

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aaa/-