

Shephali

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

INTERIM APPLICATION NO. 1106 OF 2024

IN

FIRST APPEAL (ST) NO. 34013 OF 2023

Bajaj Alliance General Insurance Co Ltd Mumbai ...Applicant

In The Matter Between

Bajaj Alliance General Insurance Co Ltd Mumbai ...Appellant

Versus

Sanjayprasad Tuleshwarsahu Gupta & Anr ...Respondents

Mr Sarthak S Diwan, for the Applicant.

Ms Yashika S Jain, i/b Jitendra Gor, for Respondent No. 1.

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CORAM. ARIF S. DOCTOR, J

DATED. 21st November 2024

PC:-

1. The present Interim Application is filed for a stay of the impugned order. The impugned order is passed under Section 30 of the Workmen's Compensation Act. By the impugned order, the Appellant has been directed to pay the Respondent an amount of Rs.9,67,968/-.

2. The challenge is primarily on the ground of the impugned order being in violation of the policy of the Appellant. The Learned Counsel

appearing on behalf of the Appellant submits that the entire amount of compensation, which was directed to be paid to the Respondent has been deposited before the learned Commissioner on 26th October 2023.

3. Pursuant to the said order, an amount of Rs. 14,26,925/- has been deposited before the Trial Court. He thus seeks a stay on the operation of the Order. There is no objection to the grant of a stay save and except that the the Learned Counsel appearing on behalf of the Respondent submits that the Respondent be permitted to withdraw 75% of the said amount.

4. Learned Counsel appearing on behalf of the Appellant, however, very fairly does not oppose the withdrawal per say but submits that it would be confined to 50% of the amount.

5. Having regard to the over all facts and circumstances, I find that at this stage to permit 50% of the withdrawal of the amount would be fair and equitable in the interest of justice.

6. Interim Application for stay is allowed in terms of prayer clause (b), which reads as follows:

“(b) ”That pending hearing and final disposal of the present First Appeal, the effect, operation, implementation and execution of the impugned Judgment and Award dated 15.06/2023 passed by the Ld Commissioner for Employee’s Compensation and Judge Third Labour Court at Mumbai in Application (ECA) No. 109/C-46/2021 and disbursal of amount thereunder, be kindly stayed.”

7. However, it is made clear that Respondent No. 1 is allowed to withdraw to 50% of the amount deposited.

(ARIF S. DOCTOR, J)