

Shephali

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

INTERIM APPLICATION NO. 9219 OF 2024

IN

FIRST APPEAL (ST) NO. 23005 OF 2023

The New India Assurance Co Ltd ...Applicant

IN THE MATTER BETWEEN

The New India Assurance Co Ltd ...Appellant

Versus

Satish Kumar Umakant Dubey & Anr ...Respondents

WITH

INTERIM APPLICATION NO. 9220 OF 2024

IN

FIRST APPEAL (ST) NO. 23005 OF 2023

SHEPHALI
SANJAY
MORMARE

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Ms Karishma Jhaveri, i/b Navdeep Vora & Associates, for the Appellant.

Mr Ranvir Shekhawat, i/b M/s. Raj Legal, for Respondent No. 1.

CORAM: ARIF S. DOCTOR, J

DATED: 4th December 2024

PC:-

1. The First Appeal impugns an order passed under the provisions of the Workmen's Compensation Act 1923 by the Learned Commissioner, 1st Labour Court, Thane. By the impugned order, the Appellant has been directed to make payment of Rs. 4,67,136/- to

Respondent No. 1. Today, Learned Counsel appearing on behalf of Respondent No. 1 submitted that Respondent No. 1 was willing to settle the matter even at a figure that was less than the amount awarded. He submits that Respondent No. 1 has, in fact, submitted this proposal in writing to the Appellant.

2. Learned Counsel for the Appellant, however, submits that while the Appellant would have, in principle, no objection in settling the matter with Respondent No. 1, however, the Appellant would be entitled to recover the said amount from Respondent No. 2, which the impugned order does not address. It is thus she submits that in the event the impugned order is modified to the extent that the same permits the Appellant to recover the said amount from Respondent No 2, since it is her contention that the vehicle in question do not have any valid permit and Fitness Certificate.

3. In my view, given a short question that falls for consideration, this First Appeal can be disposed of on the lines indicated above at the stage of admission itself.

4. Learned Counsel for the Appellant submits that though the attempts have been made to serve Respondent No. 2, the same have proved unsuccessful.

5. Hence, issue notice to Respondent No. 2, returnable on 19th December 2024, to be placed high on board.

6. It is made clear that if Respondent No. 2 does appear on the next date, the Court shall proceed to dispose of the First Appeal at the stage of admission.

(ARIF S. DOCTOR, J)