

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

FIRST APPEAL NO.1808 OF 2024

Paranjape Autocast Pvt. Ltd. & Ors. ... Appellants

V/s.

Rahul Dnyandev Yadav ... Respondent

**WITH
INTERIM APPLICATION NO.14684 OF 2024
IN
FIRST APPEAL NO.1808 OF 2024**

Mr. Nitin Kulkarni for the Appellant/Applicant.

CORAM : ARIF S. DOCTOR, J.

DATE : 22ND NOVEMBER 2024

P.C. :

1. The First Appeal takes an exception to an order dated 20th August 2024 passed by the Commissioner for Employee's Compensation & Judge, Labour Court, Satara.

2. Learned Counsel appearing on behalf of the Appellant/Applicant pointed out that by the said order the Application filed by the Respondent has

been allowed and the Appellant has been directed to pay compensation of an amount of Rs.1,87,826/- along with interest. It is his submission that the basis on which the computation has been arrived at by the Trial Court is incorrect and igneous as is mentioned in Explanation (II) to Section 4(c) of the Employees Compensation Act, 1923. It is the submission of Learned Counsel for the Appellant/Applicant that in assessing the loss of earning capacity for the purpose of Sub-Clause (ii) of Section 4(c), a qualified medical practitioner is to have due regard to the percentage of loss of earning capacity in relation the different injuries specified in Schedule (I) of the said Act. Learned Counsel submits by inviting my attention to the Impugned Order that in the facts of the present case no medical practitioner was even examined, basis which the compensation was arrived at. His contention is that the Trial Court had awarded compensation simply by noting that the Respondent suffered from a disability as shown in Schedule (II). It is thus he submits that the basis on which the award is granted is fraud and erroneous and the present First Appeal has been filed.

3. Having due regard to the submission made, issue notice to the Respondent, returnable on 20th December 2024.

Interim Application No.14684 of 2024

4. Learned Counsel today has also pressed for the interim reliefs in terms of prayer clause (a) of the Interim Application, which reads thus:-

“(A) This Hon’ble Court may be pleased to stay the execution and the effect of the Order passed by the Commissioner for Employees Compensation and Judge, Labour Court, Satara in Employees Compensation Application No.04/2022 dated 20/08/2024 during the pendency of this appeal.”

5. Having due regard to the submissions made, there shall be an interim order in terms of prayer clause (a), reproduced above until the next date of listing.

6. Learned Counsel undertakes to serve the Respondent and file an Affidavit of Service to that effect.

7. Stand over to 20th December 2024.

(ARIF S. DOCTOR, J.)