



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

CIVIL APPLICATION NO. 9980 OF 2024
IN FA/4413/2023

Shobha Madhukar Sirsat
VERSUS
The Executive Director -
Shri Pandurang Sahakari Sakhar Karkhana Ltd., Shreepur And Anr

Mr.S.S.Dargad, Advocate for applicant
Mr.H.V.Tungar, Advocate for respondent no.1

CORAM : AJIT B. KADETHANKAR, J.
DATE : SEPTEMBER 25, 2025

ORDER :-

Feeling aggrieved by the judgment and order dated 25.07.2023, passed by learned Commissioner for Employee's Compensation and Civil Judge, Senior Division, Beed, in WMC No.25/2016, respondent no.1 lodged the First Appeal. As a condition precedent to file appeal under the Employee's Compensation Act, 1923, the appellant was under obligation to deposit the entire amount as directed by the learned trial court together with penalty amount. It is submitted that the appellant, however, deposited only the award amount on lodging the appeal. The record shows that much debate took place between the parties as regards the liability of the appellant to pay the penalty amount also. It further appears that after hearing both the parties, this court directed the appellant to deposit 50% of the

amount of penalty in this court, while granting stay to the execution and operation of the impugned judgment and award; meaning thereby, restraining disbursement of the amount that was deposited in the trial court. Now, in view of this, the applicant has filed the Civil Application for withdrawal of the amount deposited by the appellant in the trial court.

2. Mr.Tungar, learned counsel, was at pains to convince this court To that, Mr.Dargad, learned counsel for the claimants, argued that considering the liability incurred by the appellant, learned trial court has directed the appellant to pay the penalty and interest.

3. So far as present application is concerned, I find that today, the award stands in favour of the applicant/claimant. The right and entitlement of the applicant/claimant has been adjudged by learned trial court after examining the evidence and facts of the case. The appellant was well-defended during the trial and it is only upon hearing the appellant, the judgment and award in the First Appeal has been passed. It is not in dispute that the claimant is entitled for certain compensation in the matter.

4. Hence, the following order:-

(i) The Civil Application is partly allowed.

(ii) The applicant is permitted to withdraw an amount of Rs.2,81,890/- together with interest accrued thereon, on furnishing usual undertaking to the satisfaction of the Registrar/Superintendent of the trial court. The applicant is also permitted to withdraw the balance amount deposited by the appellant, by furnishing surety/seurity to the satisfaction of the Registrar/Superintendent of the trial court.

(iii) All the points raised by the appellant in the appeal to be defended by the respondent, are kept upon in appeal

In First Appeal:-

5. Admit. Mr.Dargad, learned counsel, waives notice for respondent no.1.

6. Print and paper book are dispensed with.

[AJIT B. KADETHANKAR, J.]

KBP