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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

FIRST APPEAL (ST) NO.35315 OF 2012
WITH
CIVIL APPLICATION NO.2175 OF 2013

Smt. Vaijayanta Vasant

Nalawade And Ors

... Appellants-Applicants

Versus

Royal Stone Company And Ors

...Respondents

Ms. Ketki Gokhale i/b Mr. A. M. Gokhale, for the Appellants-Applicants.

CORAM : JITENDRA JAIN, J.
DATED : 23 DECEMBER 2025

P. C.:

CIVIL APPLICATION NO.2175 OF 2013

1. This application is taken out for condoning delay of 823 days in filing the present appeal. The reasons are given in paragraph Nos.3, 4 and 5 of the Civil Application. In the reasons, it is stated that the applicant was a widow of the deceased and she was suffering from various ailments and further after the death of her husband there was severe financial crisis because of which she could not engage any advocate.

2. After perusing the reasons and the object of the Workmen's Compensation Act, 1923 under which the appeal is preferred, the delay is condoned. Civil Application is allowed.

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3. By a separate order today, I have condoned the delay and the First appeal under Section 30 of the Workmen's Compensation Act, is taken up for hearing at the admission stage itself. Notice to respondent is dispensed with since the matter is remanded back.

4. The Labour Commissioner has awarded Rs.1,40,352/- as compensation to the applicants.

5. Learned counsel for the appellants states that the above compensation is based on wages of Rs.1,920/- per month as per paragraph 12 of the impugned order. She submits that the deceased was earning Rs.8,000/- per month and, therefore, on the date when the accident took place the maximum wages as per the Workmen's Compensation Act was Rs.4,000/-, the Labour Commissioner should have considered Rs.4000/- and not Rs.2000/-

6. I have heard learned counsel for the appellant.

7. In paragraph 12 there is inconsistency in the finding of the Labour Commissioner. The Labour Commissioner has recorded that from the evidence of Supervisor- Mr.Gopal Wadekar, the deceased was getting Rs.1,800- Rs.2,200 per week by way of wages. After giving this finding the Labour Commissioner states that as per the wage register, the deceased was getting only Rs.480/- per week and, therefore, the

monthly wages to the deceased was arrived at Rs.1,920/- per month. If the evidence of Mr. Gopal Wadekar that the deceased was earning Rs.1800-Rs.2,200 per week is correct then per month wages would be Rs.8,000/- and not Rs.1920/-. Since there is contradictory finding by the Labour Commissioner in paragraph 12 with respect to per week wages , in my view the impugned order is remanded back to the file of the Labour Commissioner for the limited purpose of ascertaining the correct wages per week earned by the deceased. If the correct wage is Rs.480/- per week then monthly wage of Rs.1,920/- is correct. However, if the evidence of Mr. Gopal Wadekar states that deceased was earning Rs.1,800/- to Rs.2,200/- per week then the monthly wage would be Rs.8,000/- and not Rs.1,920/-. However, since there was a cap of Rs.4,000/- per month under the Workmens Compensation Act, the compensation should be worked out by taking Rs.4,000/- and not Rs.8,000/-.

8. The appeal is disposed of in above terms for the limited purpose of ascertaining the correct wages per week earned by the deceased and recalculate compensation. No other findings of the Labour Commissioner are disturbed.

9. Labour Commissioner to give effect to this order within twelve weeks from the date when the present order is communicated. The appellant to appear before the Labour Commissioner on or before 15

January 2026 with the present order so that a date can be fixed to give effect to the present order.

10. Appeal is disposed of in above terms.

[JITENDRA JAIN, J.]