

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

**INTERIM APPLICATION NO.13371 OF 2024  
IN  
FIRST APPEAL (ST) NO.23223 OF 2024  
WITH  
INTERIM APPLICATION NO.13106 OF 2025  
[NOT ON BOARD, TAKEN ON BOARD]  
IN  
FIRST APPEAL (ST) NO.23223 OF 2024**

Akashdeep Agarwal, Director Proprietor  
Ashtvinayank Hospital and Anr. ...Applicants

V/s.

Smt.Tarabai Sampat Waghmare and Ors. ...Respondents

**WITH  
INTERIM APPLICATION NO.13412 OF 2024  
IN  
FIRST APPEAL (ST) NO.23223 OF 2024**

Smt.Tarabai Sampat Waghmare and Anr. ...Applicants

V/s.

Mr.Akashdeep Agrawal, Managing Director  
Ashtavinayak Hospital and Anr. ...Respondents

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|-------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------|
| Mr.Pratap Sampat a/w Ms.Bharti<br>Suvarna i/b. Ms.Aarti Suvarna:- | Advocate for Applicants in<br>Interim Application No.13371 of<br>2024 and Interim Application<br>No.13106 of 2025.  |
| Ms.Kavita Anchan:-                                                | Advocate for Respondents in<br>Interim Application No.13371 of<br>2024 and Interim Application<br>No.13106 of 2025. |

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CORAM : S. M. MODAK, J.  
DATE : 12<sup>th</sup> DECEMBER 2025

P. C. :-

**INTERIM APPLICATION NO.13106 OF 2025**  
**[NOT ON BOARD, TAKEN ON BOARD]**

1. Heard learned Advocate for the Applicants/employers and learned Advocate for Respondent Nos.1 and 2 who are the Legal Representatives of deceased-employee. Already their claim for compensation as per the provisions of the Employees' Compensation Act, 1923 is accepted by the learned Commissioner for Employees' Compensation & Judge, First Labour Court, Thane. There was a delay in preferring the Appeal on behalf of the Appellants. It is condoned on 15<sup>th</sup> October 2025. There was also withdrawal Application. It was allowed.

2. By way of this Application, the employers are seeking for stay of the said order and they are praying for directing the Respondents to furnish solvent security or bank guarantee.

3. Though learned Advocate Shri.Sampat submitted various contentions about the merits of the matter relating to entitlement of Respondents to claim compensation, during oral arguments, he has

restricted himself to issuing directions or putting conditions. According to him, if his clients will succeed in the Appeal, they may face difficulty in recovering the amount for want of necessary details and the security compliances.

4. By way of reply, learned Advocate for Respondents submitted that if her clients are directed to furnish either bank guarantee or security, the order of withdrawal will remain only on paper because they belong to such strata of the society, they are hand to mouth.

5. The Court has to balance the rights of the parties. I am not inclined to ask them to furnish solvent security or bank guarantee but for protecting the interest of the employers, certainly they can be asked to furnish details of their immovable properties. If those details are given and if the employers will succeed in the Appeal, they will be having some means to recover the amount.

6. On the basis of instructions, learned Advocate for Respondents submitted that the Respondent No.1 who is the mother of the deceased owns agricultural land. She is ready to furnish 7X12 extract before the learned Commissioner on 20<sup>th</sup> December 2025. There is also a submission by Mr.Sampat that agricultural land cannot be mortgaged. This is not the question of mortgaging the land. If land details are

available and if there is an Application to pass an order for return of the amount and in case it is not returned, this land can be utilized for the purpose of passing necessary directions. This is all if and but, but still Court is issuing directions to protect the interest of the employers to certain extent.

7. In view of that, following order is passed:-

### **ORDER**

- (i) Let Respondent No.1 furnish details of the land owned by her by producing copy of 7X12 extract before the learned Commissioner for Employees' Compensation & Judge, First Labour Court, Thane on 20<sup>th</sup> December 2025.
- (ii) The learned Commissioner is directed to decide the withdrawal Application without granting any adjournment sought by anyone.
- (iii) It is made clear, if the adjournment is sought on behalf of the employers, the learned Commissioner on one hand can decide the withdrawal Application and on the other hand can impose exemplary cost on the employers.

8. With these observations, the **Interim Application stands disposed of.**

**[S. M. MODAK, J.]**