

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

INTERIM APPLICATION NO. 9774 OF 2025
(FOR DELAY)
ALONGWITH
INTERIM APPLICATION NO. 9775 OF 2025
(FOR STAY)
IN
FIRST APPEAL (ST) NO. 31454 OF 2024

Bajaj Allianz General Insurance
Co. Ltd. Mumbai

...Applicant

Vs.

Keshi Kumar Nuakhau Behera
and Anr.

...Respondents

ALONGWITH
INTERIM APPLICATION NO. 12358 OF 2025
(FOR WITHDRAWAL)
IN
FIRST APPEAL (ST) NO. 31454 OF 2024

Keshi Kumar

...Applicant

Vs.

Bajaj Allianz General Insurance
Co. Ltd. Mumbai

...Respondent

Mr. Jay D. Gupta i/by Mr. Dinesh Gupta	Advocate for the Applicant- Keshi Kumar/ Respondent No. 1
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Adv. Aditya Ghadge h/f Sarthak Diwan	Advocate for the Appellant- Insurance Company
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CORAM : S. M. MODAK, J.

DATE : 14th OCTOBER 2025P. C. :-

1. Heard learned Advocate for the Appellants-insurer and learned Advocate for Respondent No. 1-Claimant.
2. His son expired by falling on the ground while doing plastering work. Respondent No. 2 is principal employer. The learned labour Commissioner has decided the quantum of the compensation payable by the Appellant-Insurer and employer-insured. There is a dispute as to whether the deceased was working with the Respondent No. 2 or he is contractor of Mahesh Enterprise. In view of that learned Advocate for the Appellant relied upon the observation in case of *Joint Secretary, Central Board of Secondary Education and Anr. Vs. Raj Kumar Mishra and Anr.* passed by the Hon'ble Supreme Court on 17.03.2025.
3. On the next date, the Court will hear the parties and will decide whether any substantial question is involved or not. Money is deposited with the labour commissioner. In view of that Respondent

No. 1-Claimant is permitted to withdraw 50% from the deposited amount alongwith corresponding interest on furnishing usual undertaking.

4. Accordingly, Interim Application No. 12358 of 2025 is disposed of.

5. As amount is deposited, stay granted earlier is made absolute during the pendency of the appeal. Hence, Interim Application No. 9775 of 2025 is disposed of.

INTERIM APPLICATION NO. 9774 OF 2025

6. Heard learned Advocate for the Applicant-Insurance Company and learned Advocate for Respondent No. 1-Claimant. There is a delay of 165 days in preferring an appeal. It is opposed.

7. For the reasons stated in the application, delay is condoned. Hence, Interim Application No. 9774 of 2025 is disposed of.

[S. M. MODAK, J.]