IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

INTERIM APPLICATION NO.1946 OF 2026
IN
FIRST APPEAL (STAMP) NO.23223 OF 2024

Akashdeep Agarwal, Director Proprietor
Ashtvinayak Hospital and another — Applicants
versus
Smt.Tarabai Sampat Waghmare and others — Respondents

Mr.Pratap Sampat with Ms.Bharti Suvarna i/by Mr.Aarti Suvarna for Applicants.

Ms.Kavita Anchan with Mr.Zabair Zariwala for Respondents.

CORAM : AARTI SATHE, J.

DATE : 19th August 2026

P.C.

1. This Interim Application has been filed praying for the following reliefs:

> "a) Hold that the affidavit dated 20-12-2025 filed by Respondent no.1 for furnishing security is false and misleading and contrary to the order dated 15-10-2025 passed by this Hon'ble Court;
>
> b) Direct Respondent nos.1 and 2 to forthwith redeposit the compensation amount of Rs.8,96,000/- withdrawn pursuant to the order dated 22-12-2025 with the office of learned Commissioner, Labour Court, Thane;
>
> c) Stay the operation and effect of the order dated 22-12-2025 permitting withdrawal of the compensation amount, pending adjudication of the present First Appeal;
>
> d) Admit and adjudicate the Appeal for reliefs prayed therein."

2. A co-ordinate Bench of this Court by order dated 12th December 2025 had directed the Respondent no.1 to furnish the details of the land owned by her by producing copy of 7x12 extract before the learned Commissioner for

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Employees' Compensation & Judge, First Labour Court, Thane on 20th December 2025. Further, the learned Commissioner was directed to decide the withdrawal application without granting any adjournment on the basis of documents which were submitted by Respondent no.1. Pursuant to the said directions, the Commissioner for Employees' Compensation & Judge, First Labour Court, Thane passed an order dated 20th December 2025 verifying the documents submitted by Respondent no.1 and held that the Respondent no.1 was allowed to withdraw the amount of compensation deposited with interest accrued thereon, if any, and also in compliance of the order of this Court dated 12th December 2025, held that if there was any obligation to pass any order for return of the amount and in case it is not returned, the land which was given as security/surety, could be utilized for passing necessaryorders.

3. Today, learned counsel for the Applicant has submitted that post passing the aforesaid order dated 20th December 2025 by the Commissioner for Employees' Compensation & Judge, First Labour Court, Thane, the Respondent no.1 has withdrawn the amount of Rs.8,96,000/-. He, however, has obtained certain documents from the website of Maharashtra Government maintained under Rules, 3, 5, 6 and 7 of Maharashtra Land Revenue Record of Rights and Registers Rules, 1971 formulated under Sections 148 and 148(A) of the Maharashtra Land Revenue Code, 1966 from where he has been able to ascertain that the ownership of the ¼ share in one acre of land in gat no.9, 6x12 extract No.4149 which the Respondent no.1 sought to assert ownership and filed an affidavit to that effect to withdraw the aforesaid amount of Rs.8,96,000/-, is an

incorrect position. It is, therefore, his submission that the amount withdrawn of Rs.8,96,000/- has been withdrawn by Respondent no.1 on the basis of a false affidavit. He further submits that it is his apprehension that Respondent no.1 may have spent the said amount and he is not fully secured. The First Appeal against the order of Commissioner for Employees' Compensation & Judge, First Labour Court, Thane dated 29th November 2018 is pending adjudication before this Court and all the rights of the parties would be decided on adjudication of the First Appeal.

4. Learned counsel for the Respondents has vehemently opposed for grant of any relief as sought for in the present Interim Application and submitted that once the amount has already been withdrawn and the First Appeal is pending adjudication, the return of the amount to this Court would serve no purpose and the rights of the parties would be subject to the outcome of the First Appeal.

5. I have heard learned counsel for the parties. Considering the assertions made by learned counsel for Applicant, I am of the view that considering the documents which have come in possession of the learned counsel for the Applicant, which show the ownership of the Respondents as asserted by them may not be correct, can be examined by the Commissioner for Employees' Compensation & Judge, First Labour Court, Thane and a further order thereon can be passed by the Commissioner for Employees' Compensation & Judge, First Labour Court, Thane. Any further documents along with any application which the Applicant would like to produce before the Commissioner for Employees' Compensation & Judge, First Labour Court, Thane may also be produced at the

time of hearing before Commissioner for Employees' Compensation & Judge, First Labour Court, Thane. The Respondents are also at a liberty to file any documents in support of their contention before the Commissioner for Employees' Compensation & Judge, First Labour Court, Thane.

6. The Commissioner for Employees' Compensation & Judge, First Labour Court, Thane shall give notice of hearing to the parties within ten days from the date of this order. Let the parties appear before the Commissioner for Employees' Compensation & Judge, First Labour Court, Thane and after hearing the parties, a reasoned order thereafter shall be passed by the Commissioner for Employees' Compensation & Judge, First Labour Court, Thane. All contentions of the parties are expressly kept open. All this exercise should be completed within six weeks from today.

7. The Interim Application stands disposed of in the aforesaid terms.

(AARTI SATHE, J.)