

**IN THE SECOND LABOUR COURT AT AHMEDNAGAR
(Before G.R. Dhepe, Commissioner for E.C. & Judge)**

Misc. Application (WC) No. 01/2018
(CNR No.MHLC16-000059-2018)

Chandrakant Shrihari Jarhad

... **Applicant**

V/s

Ashok Maruti Kasar

... **Opponent**

Order Below Exh. C-2
(Date : 27.11.2018)

1. Opponent No.2 H.D.F.C. Ergo General Insurance Co. Ltd., has filed this application to stay the matter till the decision of the Hon'ble High Court in First Appeal.
2. It is stated that the insurance company has filed appeal against the Judgment & Order passed by this Court in Application (W.C.) No. 08/2015. The Hon'ble High Court has pleased to stay the execution and operation of the impugned Judgment subject to condition that appellant shall deposit the entire amount of compensation together with interest within a period of six weeks. The insurance company has deposited amount of compensation of Rs. 7,44,224/- on 19.8.2017 in this Court and it is ready to deposit balance amount of compensation. Therefore, it is prayed to stay the present proceeding till the decision of the Hon'ble High Court in the Appeal.
3. The applicant has opposed the application. The applicant admitted that the insurance company has deposited principal amount of

compensation but denied other contentions in the application. It is stated that as per order dated 20.09.2017, of the Hon'ble High Court has directed the insurance company to deposit principal amount and interest thereon within six weeks from the date of order. However, the insurance company has not deposited the full amount of compensation within six weeks as directed by the Hon'ble High Court. Therefore, stay order passed by the Hon'ble High Court has been automatically revoked. Opponent No.2 has committed breach of order of the Hon'ble High Court, therefore, application is not tenable as per law. Hence, prayed to reject the application.

4. Heard Ld. Counsels for the applicant and insurance company. Perused the order of the Hon'ble High Court. The applicants have filed main application for recovery of compensation amount of Rs.10,29,027/- along with interest thereon against the opponents. So also the applicant has moved application at Exh.U-6 for withdrawal of compensation amount deposited by the insurance company. I have perused the order in Civil Application No. 11893 of 2017 in First Appeal No. 30595 of 2017 dated 20.09.2017, wherein the Hon'ble High Court has ordered as under -

“ This is an application filed by the appellant to stay the execution and operation of the impugned award. Learned counsel appearing for the appellant submits the appellant is ready to deposit the entire amount of compensation together with interest within a period of six weeks from today.

Hence, for the reasons stated in the application, the execution and operation of the impugned award is stayed subject to condition

that appellant shall deposit the entire amount of compensation together with interest in the court within a period of six weeks.”

5. Thus, as per the order of the Hon'ble High Court, the insurance company ought to have deposited entire amount of compensation together with interest within a period of six weeks from 20.09.2017. As per report of the Sr. Clerk it is seen that the Insurance Company had already deposited principal compensation amount of Rs. 7,44,223/- under protest on 29.8.2017 in this Court prior to order of the Hon'ble High Court. However, it had not deposited the interest amount of compensation within six weeks as directed by the Hon'ble High Court. But insurance company has deposited balance interest amount of Rs. 3,02,175/- under protest belatedly on 26.7.2018 in this Court. Therefore, the insurance company has to approach the Hon'ble High Court for condonation of delay so caused in depositing the balance amount of interest and for approval of the factum of depositing the amount in this Court. It appears that the First Appeal is yet pending in the Hon'ble High Court. Therefore, I think in the interest of justice it will be just and proper to stay the proceeding provisionally till one month from the date of this order. Hence, I pass following order.

ORDER

1. Application Exh.C-2 is allowed.
2. The present matter is stayed till one month from today.
3. The insurance company to bring the necessary orders from the Hon'ble High Court within one month.

4. The copy of this order be kept in Application (W.C.) 25/2018 which is filed by applicant for distribution of compensation deposited by insurance company.

Sd/-

(G.R. Dhepe)

Commissioner for E.C. & Judge,
2nd Labour Court, Ahmednagar.

Date : 27.11.2018.