

**BEFORE SHRI. S.S.JAHAGIRDAR, COMMISSIONER FOR EMPLOYEE'S
COMPENSATION ACT & JUDGE,
FIFTH LABOUR COURT MUMBAI.**

Application (ECA)No.729/C-178/2013

CNR : MHLC01-002071-2013

Shri. Raju Sanyasi Das
V/s.

... Applicant.

1. M/s. Simplex Infrastructure Ltd.

... Opp. Party No.1.

2. Mr. Dinesh Singh.

... Opp. Party No.2.

3. M/s. Reliance General Insurance Co. Ltd.

... Opp. No.3 (Insurer).

4. M/s. The New India Assurance Co. Ltd.

... Opp. No.4 (Insurer).

**CORAM : S. S. Jahagirdar, COMMISSIONER FOR
EMPLOYEE'S COMPENSATION ACT & Judge,**

Appearance : Mr. M.R. Yadav, Adv. for the applicant.
: Mr. L.R. Mohite, Adv. for the opp. party.
: Mrs. Deepa Kulkarni, Adv. for the insurance.

ORDER BELOW EXH.CA-6

(Delivered and Dictated in open Court on : 16/02/2018)

1. Seen the application and say. Heard both sides. By this application the applicant (Insurance company) intends to obtain verdict that this court has no jurisdiction to entertain proceedings against the said insurance company. The original claimant however contents that the place of accident being at Wadala (Mumbai) this court has jurisdiction against the insurance company.

2. In view of the rival contention from both sides the points arises for determine together with my findings there on are as under for reason discussed below:

<u>Sr.No.</u>	<u>POINTS</u>	<u>FINDINGS</u>
1.	Does present application at this stage is tenable ?	In negative
2.	What order ?	As per final order

REASONS

AS TO POINT NO.1:-

3. It is to be noted that, it is settled principle of law that as far as possible the aspect of jurisdiction of court is required to be decided by framing a specific issue of jurisdiction. Therefore, the application filed by insurance company is premature at this stage. Hence, I decide point no.1 in negative and pass following order to meet the ends of justice.

ORDER

- 1) Application stands rejected.
- 2) However the insurance company in at liberty to ask for framing of additional issue about jurisdiction and to contest that issue at the time of trial.

Place : Mumbai.
Date : 16/02/2018.
krk/-

(S. S. Jahagirdar)
Commissioner for Employee's
Compensation Act & Judge,
5th Labour Court Mumbai.

LABOUR COURT