

Exh.O-  
**Application(ESI)No.03/2021**  
(CNR No.MHIC090003892021)

**: ORDER BELOW EXH. 51 :**  
(Dictated in Open Court on 6.12.2024)

1. The applicant has submitted present application for permission to deposit cheque no. 211823 for Rs.86400/- in compliance of order passed below Exh.2 dtd. 8.8.2023.

2. It is contended that on 12.11.2021 the applicant was directed to deposit 25% of the claimed amount by opponents. Accordingly, the applicant deposited Rs.144000/- on 27.11.2021. Thereafter, order dtd. 8.8.2023 came to be passed directing further deposit of 15%. It is contended that the applicant is struggling to survive and due to bad financial condition, the applicant could not approach his Counsel and could not deposit additional 15% amount. Thus, it is urged to allow the application.

3. The application is contested by the opponents by filing say vide Exh.52. After narrating identical facts, it is contended that this Court vide order dtd. 8.8.2023 directed the applicant to deposit 15% of the claimed amount within a period of 15 days. As the applicant failed to deposit the said amount within specified period, the stay got vacated. The applicant after lapse of one year turned up

and has filed the application. The contentions mentioned in the application about bad financial condition are false. The amount is not deposited deliberately. It is urged that if the amount is accepted, in that case, stay may not be extended, because the applicant is depositing the amount after one year.

4. Ld. Counsel for litigating parties have canvassed oral arguments in support of their respective contentions. Heard Ld. Counsels and perused the papers.

5. It is seen that this Court had directed the applicant vide order dtd. 8.8.2023 to deposit 15% of the claimed amount. Such direction was in addition to earlier direction dtd. 12.11.2021 whereby applicant was directed to deposit 25% of the claimed contribution. The applicant failed to deposit the amount as directed by order dtd. 8.8.2023 within period specified therein. The applicant seeks permission of this Court to deposit the said amount only. No prayer is made towards extension of stay etc. Under such circumstances, no prejudice is caused to the opponents in case the application is allowed in pursuance of submissions made therein. Hence, the following order is passed.

**ORDER**

1. The application is allowed.
  
2. The office is directed to accept the cheque and deposit the same for collection.
  
3. After collection, the same be invested in Fixed Deposit as per procedure in Nationalized Bank.
  
4. The proceeding is already expedited, hence, the litigating parties are directed to co-operate for early disposal of the main application.

Kolhapur  
06.12.2024  
RSS/-

(S.S. Khandekar)  
Judge, ESI Court, Kolhapur