

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

**FIRST APPEAL NO.194 OF 2015
WITH
CIVIL APPLICATION NO.637 OF 2015**

Office Notes, Office Memoranda of Coram, appearances, Court's orders or directions and Registrar's orders	Court's or Judge's orders.
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Mr.Ashish Kamat i/b Mr.Sanjay S. Gawade
for the appellant

CORAM : K.K.TATED, J.
DATED : 16/02/2015

PC:

1 Not on board. At the request of Advocate for the appellant, matter is taken on board for urgent orders.

2 As per earlier order dated 12.2.2015 liberty was granted to the appellant to move for ad interim relief after giving 48 hours clear notice to the respondents.

3 The learned counsel for the appellant placed on record a notice dated 12.2.2015. Same is taken on record and marked 'X' for identification.

4 By this appeal, the appellant is challenging the judgment and award dated 20.12.2014 passed by Employees' Insurance Court, Mumbai in Application (ESI) No. 52 of 2003.

5 The learned counsel for the applicant submits that subsequently, the appellant received prohibitory order dated 10.2.2015 for demand of Rs.47,57,781/-.

6 The learned counsel for the appellant submits that the trial court has not considered earlier order dt.17.1.2003 passed by Industrial Court, Mumbai below Exhibit C-10 in Complaint (ULP) No.654 of 2001.

7 Considering the submissions made by the learned counsel for the Appellant and earlier order passed by Industrial Court, I am satisfied that the Applicant has made out a case for ad interim relief till next date. Hence, following order:

a) Office is directed to issue notice before admission to the respondents, returnable on 20.3.2015.

b) In addition to usual mode of service, applicant is permitted to serve respondents by private notice either by registered post A.D. and/or by hand delivery and file Affidavit of Service to that effect.

c) Till next date, respondents are restrained to act on prohibitory order dated 10.2.2015 on condition that appellant to deposit 50% amount as per Prohibitory Order in this court including

the amount if any deposited in trial court within three weeks from today, failing which respondents are entitled to take appropriate action according to law.

d) Liberty granted to the appellant to place on record additional documents by carrying out appropriate amendment.

e) Stand over to 20.03.2015.

(K.K.TATED, J.)