

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

**CIVIL APPLICATION NO. 1166 OF 2012
IN
FIRST APPEAL (ST.) NO. 7333 OF 2012**

The New India Assurance Co. Ltd.Applicant.
Versus
Pappu Kumr M. Yadav and anotherRespondents.

Ms. Poonam Mital for the Applicant.

**CORAM: K. K. TATED, J.
DATED : APRIL 9, 2012.**

P.C.:

Heard learned counsel appearing on behalf of the Applicant.

2. This Application is preferred by the Insurance Company for stay of the Judgment and Award dated 7th September, 2011 passed by the Commissioner for Workmen's Compensation and Judge 6th Labour Court, Mumbai in Application (WCA) No. 321/C-82 of 2009.

3. The learned counsel appearing on behalf of the Applicant states that the Insurance Company is ready and willing to deposit the entire decretal amount in the office of the Commissioner for Workmen's Compensation within a period of four weeks from today.

4. Operation and implementation of the Judgment and

Award dated 7th September, 2011 passed by the Commissioner for Workmen's Compensation and Judge 6th Labour Court, Mumbai in Application (WCA) No. 321/C-82 of 2009 is stayed, subject to the condition that the Applicant to deposit the entire decretal amount in the office of the Commissioner for Workmen's Compensation within a period of four weeks from today.

5. If the entire decretal amount is deposited by the Applicant within a period of four weeks from today, liberty granted to the Respondent/original Applicant to withdraw 1/4th amount without furnishing any security and for remaining amount, liberty granted to the Respondent/original Applicant to prefer an appropriate application for withdrawal before this Court, if he so desire.

6. Rule.

7. Rule made returnable on 30th July, 2012.

8. In addition to usual mode of service the Applicant is directed to serve the Respondents by private notice through the advocate either by R.P.A.D. and /or by Hand Delivery and file affidavit of service to that effect.

(K. K. TATED, J.)