

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

FIRST APPEAL (ST) NO.25259 OF 2022
WITH
INTERIM APPLICATION NO.30572 OF 2022
WITH
INTERIM APPLICATION NO.30571 OF 2022
WITH
INTERIM APPLICATION NO.30570 OF 2022

Reliance General Insurance Co. Ltd. ...Appellant
Vs
Mahendra B. Sakpal and Ors. ...Respondents

Ms. D. Shalini Shankar for the Appellant.
Mr. T.J.Mendon for the Respondents.

CORAM : SANDEEP K. SHINDE J.
DATE : JANUARY 2, 2023.

P.C. :

Heard learned counsel for the Parties.

2. This Appeal under Section 30 of the Employees Compensation Act, 1923 is preferred against the judgment and order dated 9th June, 2022 passed by the Commissioner for Employees Compensation and Judge, Fourth Labour Court, Mumbai directing appellants to pay compensation amount of Rs.5,58,073/- to the Respondents/Applicants alongwith 12%

interest from the date it became due till its realization. Appellants have deposited compensation amount of Rs.8,98,972/- in the Fourth Labour Court at Mumbai. It appears from the facts of the case that the Respondent/Applicant-Mahendra Bhaskar Sakpal sustained partial permanent disability of 59% and as such, had suffered total loss of earning capacity. Appellants would dispute this fact. However, this finding is based on the certificate issued by the J.J. Hospital, Mumbai. The learned Trial Court has made reference to the evidence in findings recorded in paragraph 14 of the impugned judgment. Herein, accident had occurred in May, 2017, and at the material time, applicant was 35 years old.

3 In consideration of the above facts, it would be just and appropriate to allow the Respondents to withdraw 75% of the compensation amount deposited by the Appellants, on usual Undertaking.

4 For the above-stated reasons, the Trial Court shall permit Respondents/Original Applicants in Application No.415/C-135 of 2017 to withdraw 75% of the compensation amount

deposited by the appellants.

5 In consideration of above, appeal is admitted.

6 Call Records and Proceedings from the trial Court.

7 Pending admission, there shall be stay to the
execution of the award subject to above order.

(SANDEEP K. SHINDE, J.)