



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

**CIVIL APPLICATION NO. 4610 OF 2026
IN FAST/5832/2026**

WITH

**907 CIVIL APPLICATION NO. 4611 OF 2026
IN FAST/5832/2026**

Mr. M. R. Deshmukh, Advocate for the Applicant/Appellant
Mr. A. V. Wadwale, Mr. Avinash D. Hande, Advocate for the
Respondent No.1/Ori. Claimant

CORAM : ABHAY J. MANTRI, J.

DATE : 08th MAY, 2026

PER COURT :

CA/4610/2026

1. Heard.
2. Issue notice to the Respondents, returnable on 18-06-2026. Mr. Wadwale, learned Advocate, waives service of notice for the Respondent No. 1.

CA/4611/2026

1. The Applicant-Insurance company has moved this Application to stay the execution of the Award dated 10-06-2025 passed by the learned Judge, Labour Court, Nanded in Application [WCA]-C No.11/2022 till disposal of the Appeal.

2. Heard the learned Advocate for the Applicant/Appellant and learned Advocate for the Respondent No.1.

3. Respondent No. 2 is the owner against whom the learned trial Court has passed the separate order in clause 3 of the operative part of the impugned order.

4. Perused the impugned judgment and order, as well as the record.

5. Learned Advocate for the Applicant/Appellant submitted that as per clause 2 of the impugned order of the learned trial Judge, the Applicant/Appellant has deposited the entire amount of compensation along with accrued interest thereon before the Trial Court. He further submitted that Respondent No.1 has moved an Application before the Trial Court as well as this Court for withdrawal of the amount. Therefore, he submitted that the impugned order be stayed till the disposal of the Appeal. During the argument, he drew my attention to the Appeal memo and submitted that ground Nos. (II) to (VIII) are the substantial questions of law. He also submitted that the Respondent has not sustained injury as mentioned in Schedule II of the Employees' Compensation Act. Therefore, the multiplier applied by the learned Trial Court is incorrect. Therefore, he urged a stay of the impugned judgment and order.

6. Learned Advocate for the Respondent No. 1 opposed the Application for grant of stay and submitted that if this Court is of the view that stay should be granted to the impugned order, then Respondent No. 1 should be permitted to withdraw the amount.

7. In view of the above, I deem it appropriate to allow **the Application in terms of prayer clause B.**

[ABHAY J. MANTRI, J.]

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