

**HIGH COURT OF JUDICATURE FOR RAJASTHAN AT
JODHPUR**

S.B. Civil Misc. Appeal No. 1124/2023

The New India Assurance Co. Ltd.

----Appellant

Versus

Shankar Lal

----Respondent

Connected With

S.B. Civil Misc. Appeal No. 1702/2023

For Appellant(s) : Mr. N.K. Joshi

For Respondent(s) : Mr. Arun Dadhich for Mr. Anuj Sahlot

HON'BLE MR. JUSTICE CHANDRA SHEKHAR SHARMA

Order

28/10/2025

By way of filing the instant appeal under Section 30 read with Section 30-A of the Employee's Compensation Act, 1923, a challenge is laid to the correctness and legality of the order dated 28.03.2023 passed by learned Employee's Compensation Commissioner, Udaipur in Claim Case No.WC/NF(D)31/2011 whereby the learned Commissioner, while allowing the claim petition of the claimants, awarded compensation to the tune of Rs.81,112/- along with interest @12% from the date of accident along with reimbursement of penalty to the tune of Rs.24,334/-.

Mr. Anuj Sahlot, learned counsel for the claimants-respondents, has raised a preliminary objection regarding the maintainability of the present appeal before this Court. He contends that, in accordance with Section 30 of the Employee's Compensation Act, 1923, the Insurance Company is required to deposit the entire amount of compensation, including interest,

before the learned Commissioner prior to filing an appeal. In the present case, however, the Insurance Company has failed to deposit the full awarded amount along with interest. Hence, the appeal is not maintainable.

Conversely, Mr. N.K. Joshi, learned counsel for the appellant-Insurance Company, has argued that the Insurance Company is not liable to deposit the awarded amount before filing the appeal.

Heard learned counsel for the parties.

From a perusal of the record, it is evident that before filing the present appeal, neither the awarded amount nor the amount of interest and penalty has been deposited, as is mandatorily required under Section 30 of the Act. Furthermore, no application seeking relaxation from the requirement of such deposit has been filed on behalf of the appellant-Insurance Company.

In view of the above, the oral submissions made by learned counsel for the appellant-Insurance Company are rejected.

List the matter after one week for consideration on the issue of maintainability of the appeal bearing SBCMA No.1124/2023 along with connected matter.

Meanwhile, the appellant-Insurance Company may file an appropriate application, if so desired, seeking exemption from depositing the awarded amount along with interest.

(CHANDRA SHEKHAR SHARMA),J