

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO. 1158 OF 2015

AMRUT ROADWAYS, AHMEDABAD
VERSUS
RATANBAI SANJAY MAIRALE AND OTHERS

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Advocate for Petitioner : Shri Nandode Sudhir I.

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CORAM : RAVINDRA V. GHUGE, J.
Dated: February 10, 2015
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PER COURT :-

1. The petitioner is aggrieved by the impugned order dated 7.10.2014 passed by the Labour Court, Dhule in application WCA No. 26 of 2010.
2. The petitioner has alleged fraud and impersonation as against the deceased Sanjay. The claim under the Employees' Compensation Act has been preferred by the legal heirs and dependents of deceased Sanjay. By application C/49, the petitioner prayed for framing of a preliminary issue as regards the maintainability of the claim. By the impugned order, the Labour Court has framed the issue of jurisdiction and having prima facie found it to be a mixed question of facts and law, has ordered the said issue to be decided along with all other issues.
3. Having heard the learned Advocate for the petitioner for quite sometime, I am unable to accept his submission that the preliminary issue should have been decided peremptorily. Employees' Compensation Act is a part of social security legislation. Dependents of the deceased (widow and

three minor children) are before the Compensation Court. They cannot be vexed or tired out by engaging them on preliminary issues. The trial Court finds that the objections of the petitioner are mixed questions of facts and law.

4. In the light of the above, I do not find that the impugned order is perverse or erroneous. The petition being devoid of merits is, therefore, dismissed.

(RAVINDRA V. GHUGE, J.)

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akl/d