

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

FIRST APPEAL NO. 408 OF 2012

M/s Renuka Multi Pack Pvt. Ltd.,
Through Managing Director
Ramrao Sheshrao Nagargoje .. Appellant

Versus

Rekhabai Vinayak Baravkar and others .. Respondents

Shri R. K. Jadhavar, Advocate for the Appellant.
Shri N. L. Jadhav, Advocate for Respondent Nos. 1 to 3.

**CORAM : S. V. GANGAPURWALA, J.
DATE : 02ND SEPTEMBER, 2015.**

PER COURT :

. Present respondents/claimants had filed an application for compensation against the present appellant on account of the death of Vinayak. The said application is partly allowed. Aggrieved thereby the present appeal filed by the original opponent.

2. Mr. Jadhavar, the learned counsel for the appellant submits that, the deceased was not the employee of the present appellant. There is no record to show that, the deceased was working with the present appellant. Even salary bills are not submitted. There was no record before the Commissioner to come to the conclusion that, the deceased was employed by the present appellant and his salary was Rs. 4,000/- per month. The Commissioner, Workmen's

Compensation, only on hypothetical consideration has allowed the application for compensation. The reliance on the said alleged agreement is erroneous. The said agreement was forcibly executed. The learned counsel submits that, the evidence has not been properly scanned by the Commissioner, Workmen's Compensation.

3. This being an appeal under the provisions of the Workmen's Compensation Act, can only be entertained on substantial question of law.

4. The Commissioner has considered the appointment order and has also considered the statement of Mr. Borse, P. S. I. It has also come on record that, it is the Managing Director of the appellant/company who had hospitalized the deceased Vinayak. The deceased was working on the roof of the shed as per the directions of the Managing Director of the present appellant. The suggestion was put that, the deceased Vinayak had left the job. This shows that, the deceased Vinayak was in employment of the appellant. There is no evidence worth the name to show that, at the relevant time the deceased had left the job of the appellant. All these aspects have been rightly considered by the Commissioner, Workmen's Compensation. No substantial question of law arises. As such first appeal is dismissed. No costs.

[S. V. GANGAPURWALA, J.]