

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

FIRST APPEAL NO. 289 OF 2015  
WITH  
CIVIL APPLICATION NO. 1230 OF 2015  
IN  
FIRST APPEAL NO. 289 OF 2015  
(Chandrakant Sopan Raut Vs. Ashabai Nandkumar Maske and  
others)

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Mr. Vivek V. Bhavthankar, Advocate for the  
appellant/applicant

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CORAM : M.T. JOSHI, J.  
DATE : 02/02/2015

**ORAL ORDER :**

1. Heard learned counsel for the appellant/  
applicant.
2. Aggrieved by the grant of compensation to the  
original petitioners/present respondents in a claim  
petition under the Workmen's Compensation Act, the  
original respondent i.e. the alleged employer has filed  
the present appeal.
3. The case of the present respondents was that  
the deceased was working as annual labour on the field  
of the present appellant. On the relevant date, while

he was spraying insecticide, unfortunately, due to poisoning, he died. Therefore, they claimed the compensation.

4. The learned Commissioner under the Workmen's Compensation Act recorded the evidence of the respondents, the Investigating Officer who had recorded the statements of the witnesses while investigating the accidental death case of the deceased, and came to the conclusion that the present appellant was the employer of the deceased.

5. Mr. Vivek Bhavthankar, learned counsel for the appellant submits that in fact, at the time of recording the statements of the relatives of the deceased, nobody had stated that on the date of the accident, the deceased was working on yearly basis as a labour on payment of Rs. 36/- per day. Their only statement is that the deceased was working as labour on the day of the incident. He further submitted that there was no written contract between the appellant and the deceased. He further submitted that the case of the present appellant was that on contract basis, the work of

spraying insecticide was given to the deceased.

6. The judgement of the learned Commissioner would show that all the evidence on record is considered by him. Considering the fact that the deceased was admittedly working in the field of the present appellant and spraying the insecticide, due to which he has died, the learned Commissioner believed the evidence led by the respondents. No substantial question of law arises in this appeal. Nor there is any patent error in appreciation of the evidence by the learned Commissioner. In the circumstances, the present appeal fails and it is accordingly rejected.

7. In view of rejection of the first appeal, civil application No. 1230/2015 does not survive and hence stands dismissed accordingly.

**[M.T. JOSHI]**  
**JUDGE**