

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

FIRST APPEAL NO. 1891 OF 2015

Divisional Manager T. P. Claim
Department Royal Sunderam Alliance
Insurance Co. Ltd. .. Appellant

Versus

Ayodhya Damodhar Londhe and others .. Respondents

Shri Avinash S. Deshpande, Advocate for the Appellant.
Shri T. G. Gaikwad, Advocate for Respondent Nos. 1 to 3.

**CORAM : S. V. GANGAPURWALA, J.
DATE : 19TH OCTOBER, 2015.**

PER COURT :

. The present respondent Nos. 1 to 3/claimants had filed application for compensation under the provisions of the Employees Compensation Act on account of death of one Damodhar. The said application is partly allowed. Aggrieved thereby Insurance Company has filed present appeal.

2. Mr. Deshpande, the learned counsel for the appellant submits that, the relationship of the deceased being employee of the present respondent No. 4 is not proved. There is no evidence on record to substantiate that the deceased was working as cleaner on the vehicle of the respondent No. 4 and was employed

by the respondent No. 4. The learned counsel submits that, even in the F.I.R. which was registered, it was not stated that the deceased was travelling in the said truck and he was employee of the present respondent No. 4. The learned counsel submits that, the owner of the vehicle and the claimants are in collusion with each other. In absence of any independent evidence the case of the claimants could not have been relied upon.

3. Mr. Gaikwad, the learned counsel appears for the claimants and submits that, even the owner has admitted that the deceased was working as cleaner on his vehicle and was employed by him and the said evidence is also led before the Commissioner.

4. This being an appeal under the provisions of the Employees Compensation Act can only be entertained on substantial question of law.

5. The Commissioner has appreciated the evidence on record. The present respondent No. 4 in his pleading has admitted that the deceased was his employee and was working as cleaner on the vehicle in question. The present respondent No. 4 also stepped into witness box and also deposed before the Commissioner. He being employer of the deceased, the said evidence is not shattered in the cross examination. There is no

reason to disbelieve the case put forth by the claimants and admitted by the respondent No. 4. The evidence has been appreciated by the Commissioner in a plausible manner.

6. In absence of any substantial question of law, present appeal cannot be entertained. As such, appeal is dismissed. No costs.

[S. V. GANGAPURWALA, J.]

bsb/Oct. 15