

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

FIRST APPEAL NO. 1786 OF 2014

Chief Engineer, Maharashtra State
Electricity Distribution Company Ltd.
and others

.. Appellants

VERSUS

Yogita Suresh Suryawanshi and others

.. Respondents

Mr. P.B. Paithankar, Advocate for the applicants
Mr. S.R. Patil, Advocate for the respondent no.1 to 3

CORAM : M.T. JOSHI, J.

DATE : 03/03/2015

ORAL ORDER :

1. Heard both sides on the admission of the appeal.

2. The admitted facts on record would show that the deceased was a Watchman of the present appellant. The Line Helper had directed him to accompany him for carrying the work of electricity feeder repair and while doing so, the deceased Watchman has died.

3. Learned counsel for the appellant Mr. Paithankar submits that it was not the duty of the watchman to carry the work of feeder repair of

electricity. The Line Helper also had no authority to order the watchman to carry the work. He, however, fairly submits that no evidence was led by the appellant in this regard in the trial Court i.e. in the Court of the Commissioner under the Workmen's Compensation Act.

4. In that view of the matter, no substantial question of law has arisen in the present appeal. The appeal is therefore dismissed.

5. In the circumstances, the applicants in Civil Application no. 4839 of 2014 are allowed to withdraw the amount that is deposited in the Office of the Commissioner. CA/4839/2014 accordingly stands disposed of.

6. Civil Application no. 3762 of 2014 seeking stay to the impugned judgment does not survive and the same stands disposed of.

[M.T. JOSHI]
JUDGE

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