

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

CIVIL APPLICATION NO. 13736 OF 2012
IN FAST/25136/2012

VIJAY SOPAN JAIBHAYE AND ORS
VERSUS
LOKMANGAL SUGAR ETHANOL AND CO-GENERATION INDUSTRIES
LTD.

Mr S.S. Chapalgaonkar, Advocate for applicants
Mr V.P. Golewar, Advocate h/f Mr A.R. Joshi, Advocate for
respondent No.1
Mr D.M. Mane Advocate for respondent No.2 (appeared in
C.A.No.11094,11095/2012)

CORAM : V.K. JADHAV, J.

DATE : 1st July 2016

PER COURT

Heard both sides.

2. Learned Counsel for the applicant submits that the accident had taken place in the year 2010 and since then, the applicants-original claimants have not received any amount of compensation.

3. Learned Counsel for the respondent No.1-original employer submits that the employer-employee relationship is denied before the Commissioner and, therefore, the applicants may not be permitted to withdraw the amount. The learned Counsel, in the alternate submits that the applicants may be permitted to withdraw the amount on furnishing surety.

4. Since the applicants have not received any amount of compensation from the year 2010, even though wife of applicant No.1

met with accidental death, I am inclined to allow the applicants to withdraw the entire amount of compensation on furnishing surety to the satisfaction of learned Commissioner. Order accordingly.

5. Civil Application is accordingly disposed of.

(V.K. JADHAV, J.)

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