

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
NAGPUR BENCH, AT NAGPUR.**

CIVIL APPLICATION (CAF) NO.2692 OF 2015

IN

FIRST APPEAL (STAMP) NO.17589 OF 2015

(M/s. Wasu Transport ..vs.. Smt. Sashikala wd/o Keshao Nawghade and others)

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders

Court's or Judge's orders

Shri H.N. Potbhare, Advocate for the applicant/appellant,
Shri Y.B. Mandpe, Advocate for the respondent Nos.1 to 3.

CORAM : Z.A. HAQ, J.

DATED : 21-10-2016

Heard.

Accepting the reasons stated in the application,
delay of 199 days in filing the appeal is condoned.

The civil application is allowed.

First Appeal (Stamp) No.17589/2015.

Taken up for hearing on admission.

After hearing, I find that the following substantial
questions of law raised by the appellant require
consideration.

- i) Whether the Labour Commissioner is right in saddling the liability of paying the interest on the amount of compensation from the date of impugned order, on the appellant, without recording finding that relationship of employer-employee existed between the appellant and

deceased at the time of accident ?

- ii) Whether the order passed by the Labour Commissioner to proceeded *ex-parte* against the appellant is proper and based on material on record ?

The appeal is **admitted** on the above substantial questions of law.

Call record and proceedings.

The appellant shall file private paper-book within six months.

Shri Y.B. Mandpe, Advocate waives notices for the respondent Nos.1 to 3.

The respondent Nos.4 and 5 are served with the notice of the Civil Application No.2692/2015 and are aware about pendency of this appeal. Fresh notice to respondent Nos.4 and 5 is not required.

Civil Application No.2693/2015.

If the appellant deposits Rs.1,00,000/- (Rupees One Lakh) with the registry of this Court, within two months, the execution of impugned order against the appellant shall stand stayed. If the amount is not

deposited within two months, the claimants will be at liberty to proceed with the execution.

The civil application is allowed in the above terms.

JUDGE

adgokar