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

956 CIVIL APPLICATION NO. 5601 OF 2017
IN FAST/2718/2015

ASHABAI KAILASH SOUNULE AND OTHERS
VERSUS
THE EXECUTIVE ENGINEER M.S.E.D.C.LTD. KALYAN EAST DIV.NO.1
AND ANR

...
Advocate for Applicants : Mr. Rathi Swapnil S.
Advocate for Respondent No.1 : Mr. P. B. Paithankar
...

CORAM : V.K. JADHAV, J.

DATE : 28th April, 2017

ORAL ORDER

Heard both the sides.

2. Learned Counsel for the applicants submits that the Commissioner has awarded a meager amount of compensation by considering the salaried income of the deceased at lower side.

3. Learned Counsel for the respondent No.1 submits that deceased was not directly employed by the respondents and he was employed by the contractor i.e. respondent No.6.

4. On perusal of the impugned judgment and award it appears that the Commissioner, after considering the provisions of Section 12 and in the light of the judgments of the Supreme Court as well as High Courts, has fastened the liability on the principal employer.

(2)

5. In view of the above and considering the challenge made to the judgment and award passed by the Commissioner, the applicants are hereby permitted to withdraw an amount of Rs.5,00,000/- along with interest accrued thereon, on furnishing an undertaking to the satisfaction of the Commissioner.

Civil Application is accordingly disposed of.

(V.K. JADHAV, J.)

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