

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

932 CIVIL APPLICATION NO. 10187 OF 2017
IN FA/2516/2017

SOJARBAI SAHADEO BANDAL AND ANR

VERSUS

MANJARA SAHAKARI SAKHAR KARKHANA LTD LATUR THR ITS
CHAIRMAN AND ORS

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Advocate for Applicants : Mr. Choudhari Sushant B.

Advocate for Respondents No. 1 & 2 : Mr. D.J.
Choudhary.

Advocate for Respondent No. 3 : Mr. D.R. Jaybhar.

CORAM : K. L. WADANE, J.

DATE : 21st September, 2017

ORDER:

1. Heard learned counsel appearing for the applicants as well as learned counsel appearing for the respondents No. 1 and 2.

2. Learned counsel for the respondents No. 1 and 2 has strong objection to pay the amount of compensation to the applicants. In view of the observations reported in A.I.R.2007 Supreme Court, 248(Shakuntala Chandrakant Shreshti v/s. Prabhakar Maruti Garwali and Anr.), the learned counsel for the respondents No. 1 and 2 submits that admittedly, the deceased was died due to heart attack, therefore, there is no nexus between the injury/death and the employment. Therefore, according to Mr. D.J. Choudhary, learned counsel, the deceased

was not died during the course of his employment and died due to the heart attack.

3. In view of the above, Civil Application is disposed of.

4. In the first appeal, issue notice to the respondents, indicating that the appeal would be heard finally at the stage of admission.

5. Mr. Choudhary, learned counsel waives notice for respondents No. 1 to 3.

6. First Appeal to stand over on 05.10.2017, for final hearing.

(K. L. WADANE, J.)

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