

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

80 CIVIL APPLICATION NO. 11074 OF 2017
IN FAST/1951/2017

SUSHILA TATYARAM ADABALE AND ORS

VERSUS

THE NIRA-BHIMA SAHAKARI SAKHAR KARKHANA LTD. SHAHAJI
NAGAR, INDAPUR DIST-PUNE ORS

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Advocate for Applicants : Mr. Chate Vitthal M.

Advocate for Respondent No.1: Mr. N.K. Chaudhari.

Advocate for Respondent No. 4 : Mr. S.R. Zombare, H/f
for Adv. Mr. N.B. Narwade.

CORAM : K. L. WADANE, J.

DATE : 11th September, 2017

ORDER:

1. Heard learned counsel appearing for the appellants and learned counsel appearing for the respondents.

2. Learned counsel appearing for the appellants submits that, the deceased was not in service with the original respondent No. 7/sugar factory and there was no relation between the respondent No. 7/sugar factory and the deceased as employer and employee.

3. Learned counsel appearing for the original applicants/respondents submits that, the witness of the original respondent No. 7 has specifically admitted that at the relevant time the deceased was serving with respondent No. 7/sugar factory. He has referred

certain admissions given by the witness of original respondent No. 7, in which he has specifically admitted that, the deceased was their servant and therefore they made communication to the insurance company in reference to the compensation.

4. In view of the above and the grounds stated in the appeal-memo at least 50 % amount of compensation is to be paid to the applicants.

5. Civil application is allowed.

6. Applicants are permitted to withdraw 50 % of the total amount of compensation deposited before the Commissioner Workmen's Compensation Beed on the undertaking that in case, adverse orders are passed in appeal, the applicants shall deposit the amount within a period of 12 weeks.

7. Civil application is disposed of.

(K. L. WADANE, J.)

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