

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

903 CIVIL APPLICATION NO.28 OF 2016
IN
FIRST APPEAL NO.2635/2015

NIKITA AJINATH SONWANE AND OTHERS
VERSUS
N.K.FIBER GINNING, THR PROPRIETOR N.M. KOTCHA AND
OTHERS

...

Advocate for Applicants : Mr. N. K. Tungar
Advocate for Respondents 1 to 3 : Mr. S. G.
Chapalgaonkar

CORAM : K. L. WADANE, J.

DATE : 12th September, 2017

ORDER:

1. Heard Mr. Tungar, the learned counsel appearing for the applicants as well as Mr. Chapalgaonkar, the learned counsel for the respondents 1 to 3.

2. This is an application for withdrawal of the amount deposited by the respondents in this Court.

3. Mr. Chapglgaonkar, the learned counsel for the respondents submits that substantial question arise in the present appeal is that relationship of employer and employee between respondent Nos. 1 to 3 and the deceased is in dispute. Furthermore, the deceased was returning from Mhada to his native place and accident occurred on the way, therefore, according to Mr.

Chapalgaonkar, the accident was not occurred during the course of employment and thirdly, the learned Commissioner has erred in holding the income of deceased to the tune of Rs.6000 per month.

4. Considering the arguments advanced by both the sides and the fact that at present the award is in favour of the present applicants/claimants, some amount can be paid to the claimants. Hence following order:

O R D E R

1. The applicants are permitted to withdraw Rs.2,74,000/- with interest accrued thereon, on furnishing undertaking that in the event of adverse order passed in the appeal, they shall deposit the amount within a period of 12 weeks.
2. Remaining amount shall be invested in fixed deposit initially for a period of 13 months in any nationalized Bank and shall be renewed thereafter as per directions of the Court.
5. The civil application is disposed of

(K. L. WADANE, J.)

JPC