

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

38 CIVIL APPLICATION NO.12597 OF 2019
IN FAST/20521/2018

ASHA MANGESH BADE AND ORS
VERSUS
SHRIMANT ANANDA CHEMTE AND ANR

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Advocate for Applicants : Mr. Kakade(matkar) Savita Parmeshwar.
Advocate for Respondent No. 2 : Mr.S. S. Dargad, h/f Mr. S.G.
Chapalgaonkar.

CORAM : MANGESH S. PATIL, JJ.
DATE : 25/11/2019

PER COURT :

Heard both the sides. The original applicants are seeking to withdraw the amount of compensation determined by the Commissioner under the Employees' Compensation Act in this appeal by the Appellant/Insurance Company.

2. The learned advocate for the Insurance Company strongly opposes the application. He submits that there is a serious dispute as far as 'employer-employee relation' between the deceased and the owner of the vehicle. Besides, there is also a dispute as regards the deceased not holding a valid and effective driving licence.

3. Perusal of the judgment clearly shows that though there could

be not much of a dispute as far as the relation between the owner and the deceased of that of 'employer and employee', however there seems to be a genuine dispute as to if the deceased was holding a valid and effective driving licence.

4. In view of above, the applicants can only be allowed to withdraw 50% of the amount deposited in this Court subject to furnishing usual undertaking.

5. The Civil Application is disposed of.

(MANGESH S. PATIL, J.)

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