

**FARAD CONTINUATION SHEET
IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

FIRST APPEAL (ST) NO.3753/2015

Office Office Memoranda Coram, Appearances, court's orders or directions and Registrar's orders	Notes, of	Court's or Judge's orders

Mrs. A. R. S. Baxi for the Appellant
Mr. R. S. Alange for the Respondent - claimant

**CORAM : K. K. TATED, J
DATE : MARCH 13, 2019**

P.C.:

Not on board. At the request of the learned counsel for the Appellant, the matter is taken on board for urgent admission and interim relief.

2 Heard the learned counsel for the parties.

3 By this appeal, the Appellant - opponent Nos.1 and 2 challenge the judgment and award dated 08.10.2014 passed by the Commissioner's for Workmen's Compensation and Judge, Labour Court, Solapur in

Application (WC) No.19/2012 holding that the Appellant is liable to pay compensation of Rs.5,91,180/- with interest @ 12% p.a. from the date of judgment till realisaion of entire amount.

4 The learned counsel for the Appellant submits that the court below erred in coming to the conclusion that the Respondent - claimant has proved the relationship of employer and employee between the Appellant and deceased Vikas Kaldate. She submits that they placed on record the documents to show that the deceased Vikas Kaldate was employed by Respondent No.4 Contractor. In spite of that, the court below directed them to pay compensation to the tune of Rs.5,91,180/- to the Respondent - claimant. She submits that since the relationship of employer and employee was not established, there is no question of payment of any compensation to the Respondent - claimant . Hence, the appeal deserves to be admitted on question of law i.e. "whether the Respondent - claimant has proved the relationship of employer and employee?"

5 It is to be noted that admittedly, in the present proceedings the deceased Vikas

Kaldate was working as a line helper with the Appellant. On 14.10.2010 in the morning at about 10.00 am as per the directions of the Respondent No.4 was repairing the transformer (DP) installed in the field of one Shankar Shivadas Zine within the limits of Babhulgaon, Tq. Barshi, Dist. Solapur. While repairing the said transfer, he sustained electric shock and died on the spot. There is no dispute that said transformer was belonging to the Appellant. It is the duty of the Appellant to maintain the same. The Appellant gave contract to Respondent No.4 to maintain the same. These facts show that the deceased Vikas Kaldate was working on the transformer to repair the same, which was belonging to the Appellant. These facts were considered by the Trial Court and rightly held that the Appellant is responsible for payment of compensation. Hence, I do not find any substance in the First Appeal.

6 Hence, the First Appeal stands dismissed for want of question of law.

(K.K. TATED, J.)