

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

FIRST APPEAL NO.791 OF 2017

Office Notes, Office Memoranda of Coram, Appearances, court's orders or directions and Registrar's orders	Court's or Judge's orders
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Mr.Meelan Topkar for the appellant

**CORAM : K. K. TATED, J
DATE : AUGUST 7, 2019**

P.C.:

. Heard.

2 By this First Appeal, appellant is challenging the judgment and award dated 5.1.2017 passed by Commissioner for Employees' Compensation and Judge, Labour Court, Sangli in Application ECA No.10/B-2/2014 dismissing the appellant's Application under section 22 of the Employee's Compensation Act 1923.

3 The learned counsel for the appellant submits that in the present proceedings, Trial Court framed in all 9 issues. He submits that

first 4 issues are answered in favour of appellant. He submits that Trial Court answered issue no.5 in the negative i.e. whether the appellants are dependant on the deceased income. Therefore, Trial Court rejected their Application for compensation.

4 Considering the submissions made by the learned counsel for the appellant and the impugned judgment and award, I am satisfied that the appellant has made out a case for following order:

a. Admit on the following questions of law:

“(i) Whether appellants proved that they were dependent on the deceased income?

(ii) Whether the appellants proved that they are covered by the definition of ‘dependent’ as per Employee’s Compensation Act, 1923?”

b. The Appellant to file private paper book within one year from today, with copy to other side, failing which the First Appeal shall stand dismissed without further reference to the court.

c. Printing dispensed with.

- d. Call R & P.
- e. Hearing of First Appeal is expedited.
- f. Liberty granted to the Appellant to move for early hearing once the paper book is filed and R & P is received.

(K.K. TATED, J.)