

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

FIRST APPEAL NO.358/2019

Nashik Municipal Corporation Appellant.
Vs.
Bapu S. Pagare & Ors. ... Respondents.

Advocate Mrs. Chaitrali A. Deshmukh for applicant.
Advocate Mr. AR Patil, AGP for respondent no.4.

CORAM : K.K.TATED, J.
DATED : JULY 3, 2019.

P.C.

Heard learned counsel for parties.

2. By this first appeal, the appellant is challenging judgment and award dated 22.6.2017 passed by the Commissioner, Employees Compensation Act and Judge, 2nd Labour Court, Nashik in WC(NF) No.34/2011 holding that, appellants are liable to sum of Rs.3,84,426/- by way of compensation with interest @ 12% pa and also Rs.60,000/- towards medical expenses. Learned counsel for appellant submits that following question of law involved in present first appeal.

A) Whether the impugned Judgment and Order dated 22.6.2017 passed by the Commissioner for Employees Compensation Act and Judge, 2nd Labour Court, Nashik in WC (NF) no.34/2011 suffers from non consideration of material legal evidence on record?

C) The learned trial court committed gross error in holding that the respondent no.1 is the employee of the present appellant, when there is no evidence to that effect led before the learned trial court.

D) The learned trial court ought to have considered that the respondent no.1 was an employee of the respondent nos.2 and 3 at the relevant time and there was no direct employee and employer relationship between the appellant and respondent no.1.

3. Hence, the following order

- a) Admit on question of law as stated hereinabove.
- b) Printing dispensed with.
- c) The Appellant is directed 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.

d) Registry is directed to call the record and proceeding immediately.

e) Learned AGP Mr.A.R.Patil waives service for State.

(K.K.TATED, J.)

