

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

964 CIVIL APPLICATION NO.9197 OF 2017
IN FA/4469/2017 WITH CA/15120/2015 IN FA/4469/2017 WITH
CA/15121/2015 IN FA/4469/2017

DILAVAR NOORALI KANANI
VERSUS
THE ORIENTAL INSURANCE CO. LTD. THR ITS DIV. MANAGER AURANGABAD
AND ANR

...
Advocate for Applicant : Mr. Amit S. Deshpande
Adv. For respondent No.1 : Mr. Dhananjay Deshpande.
Advocate for R-2 : Mr. D.R. Kulkarni.

CORAM : K.K. SONAWANE,J.

DATE : 11TH MARCH , 2020.

PER COURT:

When the matter is called out, no one else appeared for on behalf of applicant/original claimant. On the last occasion also, this court observed the absence of the applicant and his counsel. Record shows that the applicant is trying to protract the matter on one or the other pretext. In such circumstances, there is no propriety to keep the present application alive on board. Moreover, the factual aspects of the matter prima facie indicate that there is reasonable doubt about the locus of the applicant for withdrawal of compensation determined by the learned Commissioner. The circumstances on record found suspicious in regard to the injury sustained to the applicant and whether it was sustained during the course of his employment. In view of the same, the applicant is not entitled to receive compensation. At this stage, it would be just and proper to keep the appeal for final hearing on merit after its admission. Therefore, the present application for withdrawal stands dismissed. No orders as to costs.

**[K.K. SONAWANE]
JUDGE.**

Grt/-