

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

**CIVIL APPLICATION NO. 1273 OF 2021
IN
FIRST APPEAL STAMP NO. 20902 OF 2020**

Jamir Mainoddin Shaikh ... Applicant
Versus
Maheboob Mohiyoddin Shaikh and another ... Respondents
....
Mr. Fayaz K. Patel, Advocate for the applicant
Mr. S. S. Patil, Advocate for respondent No.1
....

CORAM : R. G. AVACHAT, J.

DATED : 09th JULY, 2021

PER COURT :-

. Heard.

2. Learned Advocate for the appellant - insurance company states that the claimant was on the driver seat of the vehicle. He is the nephew of the owner of the vehicle. There is no employee-employer relationship between the applicant and the respondent No.1.

3. Learned Advocate for the applicant, would on the other hand, submit that there is no hurdle in employing even close relations. The employer-employee relationship has been mentioned in the charge-sheet itself.

4. In the fitness of things, the applicant is permitted to withdraw 50% of the deposited amount under the award dated 18.12.2019 passed by the Commissioner for E. C. Act and Judge, Labour Court, Latur. Hence, following order:-

ORDER

- (i) The civil application is partly allowed.
- (ii) The applicant is permitted to withdraw 50% of the deposited amount under the award, on furnishing an undertaking to the satisfaction of the Superintendent/Registrar, Labour Court, Latur.
- (iii) Balance 50% amount be invested in fixed deposit in any nationalised bank, till disposal of the appeal.

[R. G. AVACHAT, J.]

SMS