

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

**CIVIL APPLICATION NO.7311 OF 2020
IN FA/1569/2020**

**RUSTUM SOPANRAO MADKE AND ANR
VERSUS
THE UNITED INDIA INSURANCE CO. LTD.,**

Mr.V.M.Maney, Advocate for applicants
Mr.V.R.Mundada, Advocate for respondent no.1

**CORAM : R.G. AVACHAT, J.
DATE : JULY 14, 2021**

ORDER :-

Heard.

2. Perused the impugned award and the application as well.
3. Learned counsel for the respondent - insurance company submits that there was no employer and employee relationship. The deceased was travelling in the trolley which was attached to the tractor.
4. Learned counsel for the applicant would submit that the deceased was a substitute driver. He was the only son of the applicants who are rustic and illiterate.

5. Considering the submissions made by learned counsel for the parties, the applicants are permitted to withdraw 50% of the amount deposited in this Court by the insurance company, on furnishing usual undertaking to the satisfaction of learned Registrar (Judicial) of this Court.

6. The application stands disposed of accordingly.

[R.G. AVACHAT, J.]

KBP

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

FIRST APPEAL NO.1569 OF 2020

**THE UNITED INDIA INSURANCE CO. LTD.,
VS
RUSTUM SOPANRAO MADKE AND ANR**

Mr.V.R.Mundada, Advocate for appellants
Mr.V.M.Maney, Advocate for respondent nos.1 and 2

**CORAM : R.G. AVACHAT, J.
DATE : JULY 14, 2021**

ORDER :-

Learned counsel for the parties agreed to work out the matter finally at admission stage without paper book. Stand over to 04.08.2021.

[R.G. AVACHAT, J.]

KBP