

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

**FIRST APPEAL NO.1710 OF 2021
WITH
CIVIL APPLICATION NO.9143 OF 2021**

Mahadeo Baburao Kadam

..Appellant

Vs.

1. Savitri w/o. Satish Ghule (since died)

2. Rupali d/o. Satish Ghule and anr.

..Respondents

Mr.M.D.Shinde, Advocate for appellant

Mr.G.P.Ghule, Advocate for respondent no.2

**CORAM : R.G. AVACHAT, J.
DATE : NOVEMBER 22, 2021**

ORDER :-

The challenge in this appeal is to the order directing the owner-employer to pay the penalty. Issuance of notice to respondent no.3-insurance company is, therefore, not necessary. Mr.G.P.Ghule, learned counsel, has marked his appearance on behalf of respondent no.2-original claimant no.2.

2. It is submitted that the insurance company has not filed any appeal challenging the order impugned in this appeal. An affidavit has been filed by respondent no.2-original claimant no.2. Respondent no.1-original claimant no.1, mother of respondent no.2, has passed

away. It is submitted that respondent no.2 - Rupali is the only legal representative of respondent no.1.

3. An affidavit has been filed wherein respondent - Rupali has given up her claim against the appellant/owner-cum-employer. In view of the same, the appeal stands disposed of setting aside the order impugned in this appeal.

4. In view of disposal of the the appeal, Civil Application stands disposed of.

[R.G. AVACHAT, J.]

KBP