

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

**CIVIL APPLICATION NO. 9703 OF 2021
IN/AND
FIRST APPEAL NO. 749 OF 2011**

Suman Arjunsingh Thakur and Others ..APPELLANTS

VERSUS

Arun Madhukar Sattarke and Another ..RESPONDENTS

....

Mr. S.S. Deshmukh, Advocate for applicants/appellants

Mr. M.U. Shelke, Advocate for respondent no.1

Mr. S.S. Rathi, Advocate for respondent no.2

....

CORAM : R.G. AVACHAT, J.

DATED : 21st SEPTEMBER, 2021

PER COURT :

1. Heard.

2. The appellants have produced on record a salary certificate of the deceased for the month March 2002. Learned counsel for the respondent - insurance company challenges the same and proposes to cross examine the authority, who has issued the said certificate. He, therefore urged for remanding the matter back to the tribunal for recording of evidence.

3. Since the appeal dates back to 2011 and the claim dates back to 2003, it would, therefore, not be desirable to send the matter back to the

tribunal for recording of evidence. This being the first appellate Court, the evidence can be recorded here even on the Commission as well.

4. Mr. P.N. Kutti, learned counsel is, therefore, appointed as Court Commissioner to record the evidence of an official from M.S.E.D.C.L., Hingoli in proof of salary certificate. The appellants shall pay Rs.10,000/- (Rupees Ten Thousand) towards fees of Court Commissioner. The report of Court Commissioner is expected by 06th October, 2021.

5. Civil application stands disposed of. List the first appeal on 06th October, 2021.

(R.G. AVACHAT, J.)

SSD