

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

933 CIVIL APPLICATION NO.11533 OF 2019
IN FA/1362/2019 WITH CA/1758/2019 IN FA/1362/2019 WITH
CA/1757/2019 IN FA/1362/2019

PARASHRAM ANANDA PARKALE
VERSUS
NEW INDIA ASSURANCE CO. LTD., THR ITS AUTHORIZED SIGNATORY
AURANGABAD AND ANR

...
Advocate for Applicants : Mr. Dhakane Rajendra B.
Advocate for Respondents : Mr. Dargad h/f. Mohit R. Deshmukh for R/1
...

CORAM : M.G. SEWLIKAR, J.
DATE : 07.01.2021

PC.:-

Learned counsel Shri Dargad states that amount cannot be released as the owner has challenged the employer employee relationship. Shri Dargad states that he has filed application for additional evidence. Unless employer-employee relationship is established, the applicant is not entitled to withdraw any amount.

2. Shri Dhakne learned counsel for the applicant states that appeal can be admitted only on substantial question of law. He further argued that owner or the insurance company did not lead any evidence in the trial Court in support of their contention that the applicant is not the employee of

respondent no.2. Neither the insurance company nor the owner led any evidence regarding employer employee relationship nor there is anything on record to show that the employer employee relationship was not established before the learned Workmens Commissioner. However, having regard to the fact that the employer employee relationship is established before the learned Workmens Commissioner, I am inclined to release Rupees Five Lakhs on furnishing solvent surety. Civil application is disposed of.

2. Learned counsel Shri Dargad seeks early hearing of appeal. Stand over to 14.01.2021.

[M.G. SEWLIKAR, J.]