

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

**23 CIVIL APPLICATION NO.13514 OF 2022
IN FA/1075/2022**

**CHAYABAI ROOPCHAND SURASE
VERSUS
UDAY EXPOXY AND ANR**

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Ms. Savita P. Kakade (Matkar), advocate for the applicant
Mr.S.R. Bodade, advocate for respondent no.1.

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CORAM : S.G.DIGE, J.
DATE : 26.09.2022

P.C. :

1. Heard the learned counsel for the applicant and learned counsel for respondent no.1.

2. The learned counsel for the applicant submits that the Commissioner for Employees Compensation and Judge, Labour Court, Aurangabad has awarded the compensation in favour of the applicant. Respondent no.1 has challenged the said judgment and award and has deposited the award amount before the Labour Court, Aurangabad. The applicant is the mother of the deceased. She requires the amount for her daily expenses and medical treatment. Hence requested to allow the application.

3. The learned counsel for respondent no.1 vehemently opposed to allow the application on the ground

that the deceased was resident of Murmi and his office was situated at Murmi whereas the accident was occurred near Garware Company, which is contrary. The relationship of the employer and employee is disputed. Hence, requested to dismiss the application.

4. I have heard both the learned counsel.

5. The applicant is mother of the deceased. Before the Labour Court the employer has admitted that the deceased was his employee. The applicant needed the amount for her daily expenses and medical treatment. Hence I pass the following order :-

ORDER

- (i) The application is allowed.
- (ii) The applicant is permitted to withdraw Rs.4,40,000/- on furnishing the usual undertaking before the learned Registrar (Judicial).
- (iii) The application is disposed of accordingly.

[S.G.DIGE]
JUDGE

SGA