

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

**INTERIM APPLICATION NO.30253 OF 2022
IN
FIRST APPEAL NO.320 OF 2021**

Shobha Rajendra Pawar & Ors. ...Applicants

Versus

Balkrushna Hatcheries

Thr. Its Managing Partner

Shri.Vasantkumar ...Respondent

Mr.Swapnil Telang i/b Mr.Umesh Mankapure, for the Applicants.
Mr.Rhul P. Walvekar, for the Respondent.

CORAM : S.G. DIGE, J.

DATE : 20 DECEMBER 2022

P.C:-

1. Heard learned counsel for the Applicant and the learned counsel for the Respondent.

2. The learned counsel for the Applicant submit that the Applicant No.1 is widow of deceased Rajendra and Applicant Nos.2 to 4 are their children. The deceased Rajendra was working as 'Farm Boy' with Respondent at Bedag Farm since 1 July 1988.

3. The Commissioner for Employees Compensation and Judge Labour Court, Sangli has awarded compensation to the Applicants.

4. The Respondent has preferred Appeal against the said order.

5. The Applicants were completely dependent upon the deceased, due to death of deceased there are financial crisis in the family of Applicants. The Applicants need amount for their day to day activities, hence requested to allow the Application.

6. The learned counsel for Respondents strongly objected to allow the Application on the ground that the Respondent is disputing the death of deceased during the period of employment. The evidence produced by the Respondent before the Trial Court is not considered by the trial Court. The Respondent has challenged the impugned order, if the Respondent succeeds in the Appeal it would be difficult for the Respondent to recover the amount from the Applicants. Hence, requested to dismiss the Application.

7. I have heard both learned counsel.

8. The deceased was the Karta of the Applicants family. The Trial Court has held that the deceased was died in the employment of the Respondent on that basis compensation is awarded. The deceased was sole earning member of the Applicant's family. The Applicant No.1 is widow and others Applicants are minor children, they need amount for their day to day activities. Hence, I pass following order.

ORDER

(i) The Application is allowed.

(ii) The Applicants are permitted to withdraw 50% amount out of the deposited amount along with accrued interest thereon on furnishing undertaking.

(iii) The Application is disposed of.

(S.G. DIGE, J.)