

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

933 CIVIL APPLICATION NO.655 OF 2023
IN FA/3789/2022

PIRAJI CHIMNAJI SAKHLIKAR
VERSUS
CHIMJANI VYANKU SAKHLIKAR

...
Advocate for Applicant :Mr. Patnurkar Vinayak. D.
Adv. for Respondents: Mr. Swapnil S. Rathi.

CORAM : S.G. CHAPALGAONKAR, J.

DATE : 28TH JULY, 2023

ORDER :-

Mr. Patnoorkar learned counsel for the applicant submits that the applicant suffered injuries while in the employment with respondent No.1 as a Labour. He submits that the Commissioner, after appreciation of the evidence, recorded a finding that the claimant was in the employment of respondent No.1 and suffered injuries while he was working as a labour on the vehicle owned by respondent No.1.

2. Mr. Rathi, learned advocate for the appellant/insurance company submits that since the claimant and respondent No.1 are father and son, in absence of any other evidence, the case of employer-employee relationship could not have been accepted by the Commissioner. He further submits that the insurance policy do not cover risk of anyone travelling in the trolley attached to the tractor.

3. Having considered the submissions advanced by both sides, it is apparent that the Tribunal on appreciation of the evidence on record, recorded a finding regarding Employer-employee relationship. Further there is no dispute about the injuries suffered by the claimant, particularly, permanent disablement. In that view of the matter, the issues can be considered at the final hearing of the appeal. However, at this stage, the applicants can be permitted to withdraw some amount, subject to conditions. Hence, the following order :-

O R D E R

[i] Civil application is allowed.

[ii] The applicant is permitted to withdraw 50% of the amount deposited by the appellant/insurance company on furnishing undertaking to the satisfaction of the Commissioner for Employees Compensation, that in case the award is modified in appeal, he shall re-deposit the amount immediately.

[S.G. CHAPALGAONKAR]
JUDGE

grt/-