

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

955 CIVIL APPLICATION NO.2266 OF 2023
IN FAST/20556/2022 WITH CA/6797/2023 IN FAST/20556/2022 WITH
CA/11458/2022 IN FAST/20556/2022 WITH CA/11459/2022 IN
FAST/20556/2022

SARASWATI SHIVAJI BHALE AND ORS
VERSUS
THE PRESIDENT RAJARAM BAPU PATIL SAHAKARI SAKHAR KARKHANA LTD.,
SANGLI AND ORS

...
Advocate for Applicants : Mr. Bangar Nilkanth P.
Advocate for Respondents No.1 and 2: Mr. A.V.Hon
...

CORAM : ARUN R. PEDNEKER, J.
DATE : 08/09/2023

PER COURT :

The appeal is filed by the employer against the award passed by the Court of Commissioner, for Employees Compensation, Beed. The claimants are held entitled for compensation of Rs.7,88,240/- with interest. Against the order passed by the Commissioner of compensation, the present first appeal is filed. The amount of Rs.15,85,875/- is deposited in this Court. The present application is filed for withdrawal of the amount.

2. The learned Advocate appearing for the appellant submits that there is no employer and employee relationship and that the employee suffered heart attack when he was not in the employment. However, the findings of the Commissioner are that the deceased was employee of the respondents No.1 and 2 and was cutting sugarcane at the time

of accident. He was employee at the relevant point of time. The Commissioner held that the petitioners are entitled for compensation.

3. In view of the findings rendered by the Commissioner, I permit the applicants for withdrawal of Rs.10 lac deposited in this Court, on usual undertaking to the satisfaction of the Registrar (Judicial) of this Court. The amount be disbursed proportionately and the usual undertaking be taken from the mother, widow and major daughter of the deceased employee.

4. In view of the above, the Civil Application for withdrawal of amount stands disposed of.

5. For the reasons stated in the civil application for condonation of delay of 61 days caused in filing appeal is allowed and disposed of.

6. Interim order passed by this Court on 05/08/2023 is confirmed. Application for stay is disposed of.

7. The application filed to bring on record the legal heirs of deceased respondent No.7 by condoning delay of 2126 days, is allowed and disposed of.

(ARUN R. PEDNEKER, J.)

vj gawade/-.