

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

**CIVIL APPLICATION NO.15610 OF 2022 IN
FIRST APPEAL NO. 3052 OF 2022**

Uttam s/o Shankarrao Musle
and another

Applicants

Versus

Trishala w/o Bhagwan Budhwant

Respondent

Mrs. M. R. Dhule, advocate for the Applicants
Mr. S. V. Mundhe, advocate for the Respondent.

CORAM : SANDIPKUMAR C. MORE, J.

DATE : 07th February, 2023.

PC :

Heard rival submissions.

The applicants are seeking withdrawal of entire amount of compensation which has been deposited by the respondent-appellant with the learned trial Court.

The learned Counsel for the respondent-appellant strongly opposed the application on the ground that there is no evidence of employee-employer relationship on record but still the learned Commissioner granted exorbitant amount of compensation.

However, on perusal of impugned judgment and award, it appears that the learned Commissioner has observed that the deceased expired during the course of employment in an unfortunate accident. In view of the same and at this juncture, the applicants are permitted to withdraw 50% of the compensation amount along with proportionate interest thereon from the trial Court by furnishing usual undertaking to the satisfaction of the concerned Court, without prejudice to the rights of either parties. The trial Court is directed to invest the remaining amount in Fixed Deposit, in any Nationalised Bank, on yearly renewal basis till final disposal of this appeal.

Civil Application is disposed of.

(SANDIPKUMAR C. MORE)
JUDGE

adb

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

FIRST APPEAL NO. 3052 OF 2022

Trishala w/o Bhagwan Budhwant Appellant

Versus

Uttam Shankarrao Musle & another Respondents

Mr. S. V. Mundhe, advocate for the Appellant
Mrs. M. R. Dhule, advocate for the Respondents

CORAM : SANDIPKUMAR C. MORE, J.

DATE : 07th February, 2023.

PC :

Heard.

Admit.

Learned Counsel Mrs. Dhule waives service for
respondents.

**(SANDIPKUMAR C. MORE)
JUDGE**

adb

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

**CIVIL APPLICATION NO.10530 OF 2022 IN
FIRST APPEAL NO. 3052 OF 2022**

Trishala w/o Bhagwan Budhwant Applicant

Versus

Uttam Shankarrao Musle & another Respondents

Mr. S. V. Mundhe, advocate for the Applicant
Mrs. M. R. Dhule, advocate for the Respondents

CORAM : SANDIPKUMAR C. MORE, J.

DATE : 07th February, 2023.

PC :

Heard.

Since the appellant-employer has deposited entire amount of compensation with the learned Commissioner i.e. the trial Court, the Stay Application is made absolute in terms of prayer clause (B) and disposed of.

**(SANDIPKUMAR C. MORE)
JUDGE**

adb