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THIS ORDER IS CORRECTED AND UPLOADED IN VIEW OF
THE ORDER DATED 03-07-2024.

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

CIVIL APPLICATION NO. 3535 OF 2024
IN FAST/5178/2024

SAJIDA BEGUM KHALIL BEG AND ORS

.....Applicants

VERSUS

SHRIRAM GENERAL INSURANCE COMPANY LIMITED
THROUGH ITS BR MANAGER AND ANR

.....Respondents

Mr. S. S. Dargad, Advocate for the applicants

Mr. A. G. Choudhari, Advocate for the respondent No.1

CORAM : KISHORE C. SANT, J.

DATE : 26th JUNE, 2024

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1. Heard the learned advocate for the parties for
sometime.

2. Applicants are original claimants before the learned
Employees Compensation Commissioner. Their claim was
allowed directing to pay compensation of Rs.9,89,625/- with

interest @ 12% p.a. from the date of accident till realization.

3. Now the respondent has deposited the entire amount of Rs.11,47,097/- on 22-12-2023 with the learned Commissioner as per mandate of the law. The applicants were dependent on the deceased Khalil Baig who was working as cleaner on the goods carrier truck and received injuries in the accident and died.

4. Learned advocate for the Insurance Company vehemently opposed the application submitting that before the learned Commissioner, from the evidence, it was clear that the persons traveling were the employees of the brother of the owner of the vehicle. None of the employees were employed by the owner of the truck.

5. Learned advocate for the applicants submits that in fact the deceased Khalil Baig was working as cleaner on the said truck and there is no question of treating him as an employee of

the brother of owner of vehicle. He submits that the learned Commissioner has rightly considered all the aspects and has already granted compensation.

6. In the appeal, since from the relation of employees and employer is disputed, this court is inclined to allow these applicants to withdraw only **75%** of the amount of compensation. Hence, the following order.

ORDER

a] The application is partly allowed.

b] The learned Commissioner, under Employees Compensation Act is directed to allow the applicants to withdraw **50%** of the amount alongwith accrued interest deposited with him on furnishing undertaking that in case appeal is allowed, they shall re-deposit the amount alongwith interest within 12 weeks from such judgment. Further 25% of the amount shall be allowed to be withdrawn on

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furnishing solvent surety/security to the satisfaction of the learned Commissioner. Remaining 25% of the amount be kept in fixed deposit in any nationalized bank to be renewed from time to time pending the appeal.

[KISHORE C. SANT, J.]

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