



IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

914 CIVIL APPLICATION NO. 4385 OF 2024
IN FA/343/2024

BHASKAR S/O. BHAGWAT BANSODE AND ANR
VERSUS
DIVISIONAL MANAGER, NEW INDIA ASSURANCE COMPANY
LTD AND ORS

...
Advocate for Applicant : Mr. Badakh Vishal S.
Advocate for Respondents : Mr. D.D. Daud h/f Mr. Manoj
Shinde
...

CORAM : S. G. MEHARE, J.
DATE : 07th MAY, 2024.

PER COURT :

1. Heard the learned Counsel for the applicants and the learned Counsel for the respondent.
2. Respondents have oppose the application on the ground that there was 4 days delay in lodging the FIR. The deceased was the employee and ESI scheme was applied to the employees of that unit. Therefore, Section 53 of the ESI Act bars to claim the compensation under the Motor Vehicles Act.
3. Per Contra, learned Counsel for the applicant submits that the deceased had not taken the benefit under the

ESI scheme, therefore, Section 53 of the said Act would not come in way. That apart, accident did not happen during the course of the employment. Therefore, also said Act would not attract. The deceased was unmarried, working as Assistant Quality Controller.

4. Considering the matter and grounds of objections, this Court is of the view that the application deserves to be allowed. Hence the order :

ORDER

- a) The application is allowed.
- b) Applicants are allowed to withdraw the entire amount with interest on the undertaking that they would re-deposit the money with this Court within one month.

(S. G. MEHARE)
JUDGE

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