



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

**937 CIVIL APPLICATION NO. 4011 OF 2024
IN FAST/36190/2023**

**BHANUDAS DADARAO MULE AND ANR
VERSUS
THE CHIEF ENGINEER, THE MAHARASHTRA STATE
ELECTRICITY DISTRIBUTION COMPANY LTD AHMEDPUR AND
ORS**

...
Advocate for Applicant : Mr. Patel Fayaz K.
Advocate for Respondent No. 1 : Mr. Uday S. Malte (through
VC)
...

CORAM : KISHORE C. SANT, J.

DATE : 04.10.2024.

PER COURT :

1. Heard the parties for some time.
2. This application is filed for withdrawal of the amount deposited by the respondent MSEDCL in this Court.
3. The amount is towards the compensation under the Employees Compensation Act, pursuant to the impugned

judgment and award passed by the learned Commissioner under the Employees Compensation Act.

4. The application is vehemently opposed by the learned Advocate Mr. Malte for respondent No. 1. He submits that in the present matter the relationship of employer and employee itself is not proved for want of sufficient evidence. Because of communication gap the appellants could not participate in the proceedings though there was notice issued. Considering the contention and facts on record it seems that the amount is 10 times, hence this Court inclined to pass following order :

ORDER

(i) The Civil Application stands allowed and disposed off.

(ii) The applicants are entitled to withdraw 40% of the amount deposited along with accrued interest with the learned Commissioner on furnishing usual undertaking.

(iii) Further 35 % of the amount deposited is

permitted to be withdrawn on furnishing solvent surety/security to the satisfaction of learned Commissioner.

(iv) Remaining amount be kept in fixed deposits, in any nationalized bank, to be renewed from time to time, till final disposal of the appeal.

(KISHORE C. SANT)
JUDGE

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