



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

**FIRST APPEAL NO. 1746 OF 2017**

BHARAT BABASAHEB PANHALKAR

VERSUS

GHODGANGA RAOSAHEB DADA PAWAR SAHAKARI SAKHAR  
KARKHANA LTD, SHIRUR AND ANOTHER

...

Mr. Parag V. Barde, Advocate for Appellant

Ms. Shrutika Deshpande, Advocate h/f Mr. Sachin V. Dankh,  
Advocate for Respondent No.1

...

**CORAM : NITIN B. SURYAWANSHI, J.**

**DATE : 04<sup>th</sup> SEPTEMBER, 2024**

**PER COURT :**

1. This appeal filed by appellant/workman under Section 30 of the Employee's Compensation Act, challenges judgment and award dated 06/04/2017, passed by learned Commissioner, Workmen's Compensation and Civil Judge, Senior Division, Beed, in W.M.C. No.50/2014.

2. Appellant/workman filed W.M.C. No.50/2014 claiming that in the crushing season of 2012-2013, he was employed as daily wager with respondent No.1 Sugar Factory, through respondent No.2 contractor, for operating machine (Motor) and to do miscellaneous work. While he was on night duty on 26/12/2013, at about 03:00 to 03:30 a.m. when he went to start electric motor, since there was no security cover on the belt of the electric motor, his right hand got entangled in the belt and due to the same he

suffered serious injuries to his fingers. He was admitted by officers of respondent No.1 Sugar Factory at Vighnaharta Multi Speciality Hospital, Pune-Nagar bye-pass highway, Shirur (Ghodnadi), where primary treatment was given to him and thereafter he was admitted to Dr. Hardikar Hospital, Pune, where he was treated as indoor patient from 26/12/2013 to 30/12/2013. His right hand fingers and wrist were operated and rods were inserted. He has suffered 100 % disability to his right hand from wrist onwards. He is, therefore, not able to do the labour work. He, therefore, claimed compensation of Rs.13,78,446/- from respondents.

3. Respondent No.1 filed written statement and denied that appellant/workman was ever working with the Sugar Factory through respondent No.2. Respondent No.2 also categorically stated in his written statement that at no point of time appellant/workman was engaged by him as a labour for working at respondent No.1 Sugar Factory.

4. After recording evidence and hearing the parties, learned Commissioner has dismissed the claim on the ground that workman has failed to prove his relationship with respondents. Workman is aggrieved by this judgment and award.

5. Heard learned advocate for appellant and learned advocate for respondent No.1. Perused the record.

6. Since both respondents have categorically denied that workman was working with first respondent through second respondent, burden was on appellant/workman to prove that he was so working. Record indicates that appellant/workman has failed to bring any evidence on record to show that he was working at first respondent Sugar Factory through second respondent. Admittedly, no complaint of the alleged accident occurred at the Sugar Factory was lodged by appellant or anybody else. Even in the medical record produced by appellant history of accident occurred at first respondent Sugar Factory is not given.

7. Though appellant has examined his elder brother Sharad Babasaheb Panhalkar, alleged eye witness to the accident, who was admittedly working with respondent No.2, in cross-examination he has failed to give names of officers who had admitted appellant in hospital. He also admitted that there is no documentary evidence to show that appellant was working as daily wager with respondent No.1 Sugar Factory.

8. Considering this evidence on record, it is clear that appellant has failed to discharge the burden that he was employed with first respondent Sugar Factory through second respondent. Learned Commissioner has properly appreciated the evidence on record and is justified in holding that workman has failed to prove

his employer-employee relationship. Learned Commissioner has assigned proper reasons while dismissing the claim of appellant. No substantial question of law is involved in the present matter. No case is made out by appellant/workman to interfere in the impugned judgment and award. First appeal being devoid of merit, is dismissed.

**(NITIN B. SURYAWANSHI, J.)**