



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

**CIVIL APPLICATION NO. 15130 OF 2023
IN FAST/23325/2023 WITH CIVIL APPLICATION NO. 9573 OF 2023
IN FAST/23325/2023 WITH CIVIL APPLICATION NO 9574 OF
2023 IN FAST/23325/2023**

Manisha Ramdhan Jadhav

....Applicant

VERSUS

The Managing Director, Natural Sugar And Allied Industries Ltd.,
Osmanabad And Anr

.....Respondent

.....

Advocate for Applicant : Mr. P. S. Chavan

Advocate for Respondent No.1 : Mr.Arun V. Rakh h/f Mr. N.D.
Kendre

.....

CORAM : S. G. MEHARE, J.

DATE : 19.01.2024

PER COURT :

CIVIL APPLICATION NO. 15130 OF 2023

1. Heard the learned counsel for the applicant and the learned counsel for the non applicant.
2. The deceased was the employee. However, the employer has a defense that on the day of the incident the deceased was not on duty. Therefore, the accident alledgely happened was not out of the employment. Therefore the legal heirs are not entitle to compensation.
3. The learned counsel for the applicant submits that the accident happened in front of the work place. Earlier he was on leave but he

was to join duty; therefore, it was an accident arising out of the employment. Considering the facts and circumstances of the case and admitted relationship of employer and the employees the following order is passed.

ORDER

- (i) The application is partly allowed.
- (ii) The applicant is allowed to withdraw Rs. 4,00,000/- (Rs. Four Lakh) with accrued interest thereon. The learned Commissioner for Employees Compensation Judge, Labour Court, Latur is directed to release the amount to the applicant on furnishing the undertaking that in case of reversal of the award he would deposit the money in six months.

**CIVIL APPLICATION NO. 9573 OF 2023
IN FAST/23325/2023 (DELAY)
WITH
CIVIL APPLICATION NO 9574 OF 2023
IN FAST/23325/2023 (STAY)**

- 4. Heard the learned counsel for the applicant and the learned counsel for respondent No.1. None present for respondent No.2.
- 5. The entire amount of the award has been deposited with the learned Commissioner for Employees Compensation & Judge, Labour Court, Laur. There was a delay of 19 days in preferring the appeal.

6. The learned counsel for respondent No.1 opposed the application.

7. However, for the reasons mentioned in the application, the delay is liable to be condoned. Hence, the following order

ORDER

- (i) Both the applications are allowed.
- (ii) The delay in preferring appeal is condoned.
- (iii) The office is directed to register the appeal.
- (iv) The execution, implementation and effect of the impugned order is stayed till the conclusion of the appeal.

8. Admit.

9. Issue notice to the respondents for final hearing at the admission stage.

10. The learned counsel Mr. P. S. Chavan waives the service of notice for respondent No.1.

11. The learned counsel Mr. V. R. Mundada waives service of notice for respondent No.2.

10. Call record and proceeding.

11. Stand over to 12.03.2024.

(S. G. MEHARE. J)