



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

**CIVIL APPLICATION NO. 792 OF 2025
IN FAST/2993/2024**

Pooja Uttam Jadhav And Ors

VERSUS

The Oriental Insurance Co Ltd Nanded Through The Branch
Maneger And Ors

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Mr. S. S. Shinde h/f Ms. A. A. Lomte, Advocate for Applicant
Mr. D. P. Deshpande, Advocate for Respondent No.1 (Thr. V.C)

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CORAM : S. G. CHAPALGAONKAR, J.

Dated : 21st FEBRUARY, 2025

PER COURT :-

1. Heard, learned Advocate appearing for the applicant.
2. Applicant are original claimants and dependents of deceased Uttam Jadhav, who died in motor vehicular accident while driving insured vehicle. Claim was lodged under provisions of Employees Compensation Act, which has been favourably considered and award for Rs.14,95,500/- is passed. Insurer impugns the award passed by Commissioner on the ground that the employer-employee relationship is not proved.
3. Mr. Deshpande, learned advocate appearing for respondent relies upon admission of the claimant in cross

examination that salary to the deceased was paid by some other person and not by owner of the vehicle.

4. Considering submissions advanced and reasons as recorded by Commissioner, it appears that the deceased died while he was on the driver seat of insured vehicle. Considering this factual matrix, case is made out for grant of partial withdrawal of the compensation amount. Hence following order:

ORDER

- a. Civil Application is **allowed**.
- b. Claimants are permitted to withdraw 50% compensation amount on furnishing usual undertaking to the Commissioner for Employees compensation stating that they shall re-deposit amount withdrawn, in case. adverse order is passed in appeal and directions are given to re-deposit the amount.

(S. G. CHAPALGAONKAR, J.)