



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

**906 CIVIL APPLICATION NO. 1186 OF 2025
IN FA/142/2024**

**SHATRUGHANA LAXAMN KAJALE AND ANR
VERSUS
ABHIRUDDHA ENGINEERING COMPANY, MIDC AREA,
AURANGABAD**

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Advocate for Applicants : Mr. Barde Parag Vijay
Advocate for Respondent : Mr. Harish Adwant
h/f. Mr. S.V. Adwant

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CORAM : S. G. CHAPALGAONKAR, J.

Dated : February 25, 2025

PER COURT :-

1. The applicants are original claimants in Workmen Compensation Application No. 25/2016, decided by Commissioner for Employees Compensation and Magistrate, First Labour Court, Ahmednagar.

2. The son of the applicants was employed with the respondent. According to applicants, he died due to the accident during the course and arising out of the employment. The claim was contested by the respondent on the ground that there was no causal connection between death and employment of the deceased. According to them, the accident cannot be termed during the course of and arising out of the employment.

3. The trial Court on appreciation of the evidence recorded findings in favour of the applicants and held that the respondent is liable to pay the compensation of Rs. 8,85,480/-

to the claimants. The respondent filed appeal which has been admitted by this Court vide order dated 08.01.2025.

4. Considering the submissions advanced, it is apparent that deceased lost life in accident during duty hours. The question as to whether there was causal connection between his employment and accident would be considered and decided at the final hearing of appeal. However, the claimants being old parents of the deceased are certainly entitled for partial withdrawal at this stage. In result, following order :

ORDER

- i. Civil Application is partly allowed.
- ii. The applicants are permitted to withdraw 50% of amount as deposited by the respondent with Commissioner for Employees Compensation, on furnishing an undertaking that in case adverse order is passed in appeal, they shall redeposit the amount. Undertaking to be filed within a period of four weeks from today. On furnishing undertaking amount be disbursed.
- iii. The balance amount be kept in fixed deposit in any nationalize bank till further orders in appeal.

(S. G. CHAPALGAONKAR)
JUDGE