



IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

32 CIVIL APPLICATION NO. 4826 OF 2025
IN FAST/34981/2024

RAJSHREE WO HANMANT NAGARGOJE AND ORS
VERSUS
NAGNATH SO BALAJI KNDRE AND ANR

....

Mr. Janakwade Shivsamb Narayanrao, Advocate for Applicant
Mr. Ajit B. Kadethankar, Advocate for Respondent No.2

CORAM : S. G. CHAPALGAONKAR, J.

DATE : 02.05.2025

PER COURT :-

. Heard learned Advocates appearing for respective parties.

2. The applicants are seeking permission to withdraw the amount deposited by the respondent/insurance company in pursuance to award passed by the Commissioner in application (WCA)-C No.08/2023 under provisions of Section 4 of the Employees' compensation Act.

3. The applicants are the legal representatives of the deceased, who was employed as a driver on insured truck. It appears that due to quarrel with other drivers, he was murdered. The applicants lodged a claim for compensation before the Commissioner. The insurer of the truck disputed the employer-

employee relationship and also contended that the murder of the deceased is not concerned with employment, as such there was no casual connection between employment and death. The Commissioner after evaluation of evidence found that the death occurred during the course of employment and the murder is also considered to be accident. Accordingly compensation is assessed. Having regard to the reasoning adopted by the Commissioner in the impugned order and the grounds of appeal raised, prima facie, the claimants appear to be entitled to compensation. Hence, the following order:

::ORDER::

- (i) Application is partly allowed.
- (ii) The applicants/claimants are permitted to withdraw 50% of the compensation amount subject to condition that they file an undertaking to the satisfaction of Commissioner for enhanced compensation that they shall re-deposit the amount, in case, adverse order is passed. Copy of such an undertaking to be made part of the appeal.

[S. G. CHAPALGAONKAR, J.]