



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

CIVIL APPLICATION NO. 266 OF 2019
IN FA/361/2019

JAIDABI SHEIKH AYYUB AND ORS

VERSUS

THE ORIENTAL INSURANCE CO. LTD. THR ITS BRANCH
MANAGER AND ANR

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Advocate for Applicants/Claimants : Mr. S. V. Dixit h/f Mr.
Khan Abdul Hakeem.

Advocate for Respondent/Insurance Co. : Mr. D. P. Deshpande
(Through V. C.).

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CORAM : SHAILESH P. BRAHME, J.

DATE : 15.10.2025

PER COURT :-

1. Heard both sides.
2. The appellant/insurance company is challenging judgment and order dated 14.06.2017 passed by Commissioner cum Labour Judge, Dhule under Section 22 of the Employees' Compensation Act of 1923.
3. Learned counsel for the appellant Mr. Deshpande submits that the employer-employee relationship between deceased and respondent No.5 has not been established. In that context, he has formulated substantial questions of law.

4. First appeal requires consideration on following substantial questions of law :

(i) Whether liability can be fastened against the appellant/insurance company in the absence of any reliable evidence of employer-employee relationship between the deceased and respondent No.5.

(ii) Whether impugned judgment is sustainable imposing liability on the insurance company when the reliance is placed on the police papers to indicate that the deceased was employee of respondent No.5 and there is no independent material corroborates the employer-employee relationship.

5. Call for Record and Proceedings from the concerned Court.

6. Learned counsel Mr. Dixit holding for Mr. Khan Abdul Hakeem waives service of notice for the respondents/claimants.

7. Appeal shall be decided finally at the admission stage on above substantial questions of law on 26.11.2025.

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8. The applicants who are the claimants are seeking direction to receive the amount deposited by the insurance company before Commissioner Cum Labour Judge. After passing of the impugned judgment and order, the respondent/insurance company deposited Rs.7,71,421/- before Commissioner Cum Labour Judge, Dhule.

9. Applicants are the dependents on the deceased. They are in dire need of money. For the reasons stated in the application, learned counsel for the applicants seeks permission to receive the amount with accrued interest.

10. Application is contested by the respondent/insurance company. It is vehemently contended that there is every possibility of success in the appeal and if the amount is disbursed, insurance company shall find it difficult to recover the same.

11. Having considered rival submissions, I find *prima facie* case in favour of the applicants to receive part of the amount. Appeal is to be decided finally on formulated substantial questions of law. No steps are taken to circulate the appeal

earlier. I am inclined to grant permission to receive the amount.

12. Civil application is allowed partly permitting the applicants to receive 50% of the amount on furnishing solvent surety/security to the satisfaction of Commissioner Cum Labour Judge, Dhule.

13. The balance amount shall be invested in nationalized bank.

(SHAILESH P. BRAHME, J.)

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vmk/-