



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

966 CIVIL APPLICATION NO. 871 OF 2024 IN FA/1957/2024

Kantabai Suryabhan Kakade And Anr

VERSUS

Superintending Engineer, M.s.e.d. Co. Ltd., Aurangabad And
Ors

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Advocate for Applicant : Mr. Kale Sunil V.

Advocate for Respondents : Mr. R.D. Borde h/f U.S. Malte For
R/1 To 3, Adv. A.S. Kulkarni For R/4

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CORAM : S. G. CHAPALGAONKAR, J.

Dated : January 10, 2025

PER COURT :-

1. This is an application for withdrawal of amount deposited by the appellant in pursuance to the award passed under Workmen's Compensation Act.

2. Thrust of the contentions of appellant is that, the Commissioner has wrongly exonerated MSEDCL, who is in fact the principal employer and even responsible for death of the victim.

3. Considering the stand taken in appeal, it is apparent that entitlement of the claimants is not in dispute before this Court. The only question is interse liability amongst the original respondents.

4. In that view of the matter, there is no impediment in permitting the applicants to withdraw amount deposited with

the Commissioner putting rider that they shall file an undertaking that, in case, any adverse order is passed in appeal, they shall re-deposit the amount within a period of (8) eight weeks from the date of such directions, if given in appeal. Consequently, civil application stands allowed and **disposed off**.

5. Post the appeal for admission hearing on 22.1.2025.

(S. G. CHAPALGAONKAR, J.)

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