

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
CIRCUIT BENCH AT KOLHAPUR  
CIVIL APPELLATE JURISDICTION  
FIRST APPEAL NO. 208 OF 2019**

National Insurance Company  
Limited Through Mumbai Regional  
Office-II, Sterling Cinema Building  
4<sup>th</sup> floor, 65, Murzaban Street, Fort, ....Appellant  
Mumbai- 400 001

Versus

1. Ramchandra Mahadev Yadav  
Age – 43 years, Occ. Nothing at present  
R/at Bhutashte, Tal: Madha, Dist. Solpaur

2. Executive Engineer, Maharashtra  
State Electricity Distribution Company  
Ltd (Rural) Juni Mill Compound,  
Murarji Peth, Solapur

3. Executive Engineer, Maharashtra State  
Electricity Distribution Company Ltd.  
Barshi Division, Barshi, Opposite Barshi  
S.T. Depot Barshi, Dist. Solapur.

4. Deputy Junior Engineer, Maharashtra  
State, Electricity Distribution Company  
Ltd. Near Kurduwadi S. T. Depot,  
Tal: Madha, Dist-Solapur.

5. Rohan Electrical Enterprises  
Proprietor Shri Dilip Dewale  
Age-Major, No. G-13, Arjun Towers,  
Vijapur Road, Dist-Solapur.

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6. Somnath Bhagwat Kamble  
Manager of opponent No. 4

...Respondents

Ms. S. S. Dwivedi for the appellant  
Mr. R. S. Alange for Respondent no. 1

**CORAM : SHIVKUMAR DIGE, J.**

**DATE : 29<sup>th</sup> SEPTEMBER 2025**

**ORAL JUDGMENT:**

1. The appellant insurance company preferred this appeal against the Judgment and Order passed by the learned Commissioner For (Employees) Workmen's Compensation and Judge, Labour Court, Solapur (For short 'Trial Court') in W.C. Application No. 16 of 2014.

2. It is the contention of learned counsel for the appellant-insurance company that no relation of employer and employee is proved before the learned Trial Court between injured-Respondent no. 1 and Respondent no. 5. The Respondent no. 5 failed to produce the muster register having signatures of the Respondent no. 1 before the Trial Court. Learned counsel further submitted that Respondent no. 1 has received medical bills from the Respondent no. 5. Despite that, the learned Trial Court has awarded medical bills, which is not permissible.

Hence, requested to allow the appeal.

3. It is contention of learned counsel for Respondent no. 1 that the Respondent no. 1 was employee of the Respondent no. 5 and he has admitted this fact. The Respondent no. 1 was admitted in the hospital for couple of days. He has incurred medical expenses. The learned Trial Court has passed well reasoned order and no interference is required in it. Hence, requested to dismiss the appeal.

4. I have heard both the learned counsels, perused the impugned Judgment and Order. It is the Respondent no. 1-claimant's case that he worked for Respondent no. 5 on a contract basis to do electric work for Respondent nos. 2 to 4. On 27<sup>th</sup> January 2013, while connecting snapped electric wire, Respondent no. 1 got electrocuted and injured in the incident. The Respondent no. 5 has admitted that the Respondent no. 1 was their employee. The incident occurred when the Respondent no. 1 was working for the Respondent no. 5. It proves that there was employer and employee relationship between them. Hence, I do not find merit in the contention that there was no employer and employee relationship between

them. It has come on record that the Respondent no. 5 had insured all his employees. Exhibit 50 is the insurance policy which shows that Respondent no. 5 has insured their employees with appellant-insurance company as the accident occurred at work place. Hence, the appellant-insurance company is liable to pay the compensation.

5. The learned Trial Court has awarded Rs. 1,80,933/- as medical expenses. It appears from the record that the insurance policy shows that insurance company is liable to pay medical expenses of Rs. 50,000/- only. The excess amount is of Rs. 1,30,933/-. The appellant insurance company is entitled for the excess amount and I pass the following order:

### **ORDER**

- I. The appeal is partly allowed.
- II. The appellant-insurance company is permitted to withdraw Rs. 1,30,933/- without any interest from the deposited amount.
- III. The claimant is permitted to withdraw rest of the deposited amount along with accrued interest.

6. In view of disposal of the appeal, pending applications, if any, are disposed off accordingly.

[SHIVKUMAR DIGE, J.]