

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

First Appeal No.390 of 2025
With
Interim Application No.16198 of 2024
With
Interim Application No.10733 of 2025
In
First Appeal No.390 of 2025

M/s. Arjun Travels ... Appellant
V/s.
Smt. Jamuna Devi Brijlal Yadav & ors. ... Respondents

Mr. J.S. Kini a/aw. Aum Kini i/b. Ms. Sapna Krishnappa	Advocate for the Appellant.
Mr. Vasant More	Advocate for the Respondents.

CORAM : S.M. MODAK, J

DATE : 6th October 2025.

P.C. :

Heard learned Advocate Kini for the Appellant-employer and
learned Advocate More for the Respondent-claimant.

2. The following issues were raised before me:-

- (i) Whether the deceased was said to be in the employment
or not because on the date of the death it was not shown
present on the muster-roll?

(ii) Whether the death due to heart attack can be said to be the death arising out of stress of the work?

3. Today, Mr. More has relied upon the judgment of Orissa High Court in the case of *New India Assurance Co. Ltd. v/s. Mohan Kumar Sahoo*¹ and judgment of Hon'ble Supreme Court in the case of *Fulmati Dhramdev Yadav and anr. v/s. New India Assurance Co. Ltd. & anr.*² Both of them have relied upon certain judgments which are already on record.

4. Stand over tomorrow i.e. 7th October 2025.

(S.M. MODAK, J.)

1 2004 II CLR 118

2 2023 (4) T.A.C. 1 (S.C.)