

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

INTERIM APPLICATION NO. 38336 OF 2025
IN
FIRST APPEAL NO. 2494 OF 2025

Nazia Saifullah Mhate And Anr. ...Applicants

Versus

Smt. Zahira Ali Mhate And Anr. ...Respondents

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Mr. A.V. Bukhari, Senior Advocate a/w Mr. B.V. Bukhari i/b Kishore Kumar Shetty for the Applicants.

Mr. A.S. Peerzada a/w Iqbal Shaikh and Sudhakar Pandaram for Respondent No. 1

CORAM : M.M. SATHAYE, J.
DATE : 10th DECEMBER, 2025

P.C. :

1. Heard learned Senior Advocate for the Applicants and learned Counsel for the contesting Respondent No.1.

2. The Applicants are widow and daughter of deceased Saifullah Mhate, who died while working on a vessel in employment of Respondent No.2 Company as a Chief Engineer. Deceased Saifullah met with an accident while performing his duty on 27.11.2022.

3. The Applicants are challenging the impugned Judgment and order dated 29.09.2025 passed by the Commissioner for Employees Compensation in Distribution Application (ECA) No.340/A-43/2023. By the said impugned order, the learned Commissioner has distributed the amount of compensation payable due to death of the deceased between

Applicant No.1/widow, Applicant No.2/daughter and Respondent No.1/mother of the deceased, in the manner more particularly set out in the operative part therein. The impugned Judgment and Order is admittedly not challenged by Respondent No.1/ mother.

4. In that view of the matter, the amounts which are directed to be paid to the Applicants (widow and daughter - Rs.30,00,000/- and Rs.15,00,000/- respectively and amount of past interest accrued on Fixed deposits of Rs.86,92,698/-) can be released, as per clauses 2(i), 2(iii) & 2(iv) of the impugned order.

5. Learned Counsel for the Respondent No.1 (mother of the deceased) has contended that the Commissioner has rightly considered her dependency and has granted an amount of Rs.31,92,698/- as per clause 2(ii) of the impugned order. Learned Senior Advocate appearing for Applicants, on the other hand has disputed the entitlement of the mother. The Applicants are praying for disbursal of full amount under prayer clause (b) of the Interim Application. The rival claims about entitlement of mother will have to be considered separately during pendency of the appeal.

6. Therefore, presently, the amount of Rs.31,92,698/- shall continue to remain deposited with the Trial Court.

7. The application is disposed of by passing following order.

(i) During the pendency of the appeal, the impugned order dated 29.09.2025 shall remain stayed.

(ii) The concerned Commissioner is directed to release amount as stated in clause 2(i), (iii) and (iv) of the operative

part of the impugned order in favour of the Applicants, along with accrued interest, if any.

(iii) Respondent No.1 shall be at liberty to file application in this Court for withdrawal of the amount awarded to her, which will be decided on its own merits.

8. Interim Application is disposed of in above terms.

(M.M. SATHAYE, J.)