IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

943 **CIVIL APPLICATION NO. 663 OF 2026**
IN FA/1868/2025

Sonali Rajendra Gurav
VERSUS
The Managing Director, Yashwantrao Mohite Krishna Sahakari Sakhar Karkhana Ltd. Rethare (bk.), Tq.Karad, Dist Satara

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Mr.Ankita J. Mantri, Advocate h/f. Mr.S.S.Dargad, Advocate for applicant
Mr.V.R.Dhorde, Advocate for respondent no.no.1

AND
CIVIL APPLICATION NO. 7318 OF 2025
IN FA/1868/2025

CORAM : AJIT B. KADETHANKAR, J.
DATE : OCTOBER 23, 2026

ORDER :-

Feeling aggrieved by the judgment and award dated 08.05.2025 passed by learned Civil Judge Senior Division, Beed in W.C.A. No.48 of 2018 the original respondent no.1 – Sugar factory has filed an appeal. The claim was under the provisions of the Employees Compensation Act. The husband of the claimant was said to be a sugarcane worker and was engaged with original respondent no.3 i.e. present respondent no.2. It is further submitted that the tractor of respondent no.3 was engaged by a Contractor and the Contractor was working for present appellant – Sugar factory. On this basis, liability was sought to be cast on sugar factory.

2. After hearing the parties the trial court partly allowed the claim petition and imposed liability of compensation on the appellant. Thus, the sugar factory is in First Appeal before this Court.

3. As par the mandate of the statute, the appellant has already deposited the entire award amount together with interest and costs in the trial court. Now, this application is filed by the claimant seeking withdrawal of the deposited amount. It is submitted that after scrutinising the evidence the trial court has assessed the liability of the responding party and then has fixed the compensation.

4. Mr.Dhorde, learned advocate for the sugar factory has strenuously objected the application. He would fairly submit that in ordinary course, the sugar factory would not have taken a serious objection at least for partial withdrawal. He however submits that in fact that sugar factory has not at all engaged any Contractor nor they had directly or indirectly engaged respondent no.2 - tractor owner to carry the sugarcane to the sugar factory. He would submit that considering the nature and the place of accident, the claim petition itself was not maintenable. He thus prays that the application be rejected and the First Appeal be heard on merit.

5. The award presently stands in favour of the claimant. The trial court, after assessing the evidence on record and affording all parties a full opportunity of hearing, has passed the award. This is a piece of beneficial legislation. Certainly, the appellant–sugar factory will have an opportunity to raise and argue all aspects of its objections in the appeal. Till then, in the interest of justice, I am of the considered view that the present application deserves to be allowed partly. At the same time, the interests of the appellant–sugar factory must be adequately protected.

6. In view of the above, I pass the following order:-

A) The application is partly allowed.

B) The applicant is permitted to withdraw 50% of the amount deposited by the appellant in the trial court, with accrued interest. The applicant shall furnish an undertaking to the satisfaction of the Registrar/Superintendent of trial court undertaking that in the event of reversal of the judgment and award passed by the trial court, she will redeposit the amount withdrawn together with interest.

C) The Civil Application stands disposed of.

D) Fix the First Appeal in the third week of December, 2026.

In C.A. No.7318 of 2025 (for stay):-

7. In view of the fact that the appellant – sugar has already deposited the entire payable award amount in the trial court, the stay granted earlier is made absolute. The Civil Application stands allowed. Execution and operation of the impugned judgment and award stands stayed till disposal of the appeal.

[AJIT B. KADETHANKAR, J.]

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