IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

974 FIRST APPEAL NO. 2140 OF 2026

EXECUTIVE DIRECTOR, LOKNETE BALASAHEB DESAI SAHKARI SAKHAR KARKHANA LTD. DAULAT NAGAR
VERSUS
ARUNA BHAGWAN MISAL AND ORS.
...
Mr. G. N. Kulkarni and Mr. V. U Jadhav, Advocate for Appellant
Mr. S. R. Shirsat, Advocate for Respondent Nos.1 to 3

WITH
CIVIL APPLICATION NO. 8869 OF 2026
IN FA/2140/2026

ARUNA BHAGWAN MISAL AND ORS.
VERSUS
EXECUTIVE DIRECTOR, LOKNETE BALASAHEB DESAI SAHKARI SAKHAR KARKHANA LTD. DAULAT NAGAR AND ANR.

WITH
CIVIL APPLICATION NO. 8870 OF 2026
IN FA/2140/2026

EXECUTIVE DIRECTOR, LOKNETE BALASAHEB DESAI SAHKARI SAKHAR KARKHANA LTD. DAULAT NAGAR.
VERSUS
ARUNA BHAGWAN MISAL AND ORS.
...

CORAM : AJIT B. KADETHANKAR, J.

DATED : 30th October 2026

P.C. :-

CIVIL APPLICATION NO. 8869 OF 2026

. Feeling aggrieved by the judgment and order dated 08.05.2026 passed by the learned Commissioner, Employees'

Compensation @ Civil Judge, Senior Division, Beed in WCFA No.05 of 2023, the appellant – sugar factory has filed the present first appeal.

2. The matter is pending for admission. This Court has framed following substantial question of law :

> "whether the learned Commissioner for Employees' Compensation has erred in law holding that the deceased had died during course of his employment?"

3. As a statutory mandate, the appellant – factory has deposited the awarded amount before the Trial Court. Against this backdrop, the present application is moved by the claimants seeking withdrawal of the amount deposited by the appellant.

4. Today, the judgment and award sought to be challenged in the first appeal is in favour of the claimants. After assessing the evidence on record, the Trial Court has saddled liability upon the appellant.

5. The claim is a beneficial piece of legislation. Although this Court has directed that the appeal shall be heard for final disposal, it would be in the interest of justice to permit the claimants to withdraw a portion of the amount deposited so

that they may receive some financial assistance during the pendency of this long-standing litigation.

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

O R D E R

I. Civil Application stands partly allowed.

II. The applicants are permitted to withdraw 75% of the amount deposited by the appellant before the trial Court on furnishing undertaking to the satisfaction of the Registrar/Superintendent of the Trial Court.

III. The applicants shall be bound to repay the amount withdrawn by them in the event of the appellant succeeding in the first appeal.

IV. Civil Application stands disposed of accordingly.

CIVIL APPLICATION NO. 8870 OF 2026

7. Since the appellant has already deposited the awarded amount before the trial Court, Civil Application stands allowed in terms of prayer clause (B).

8. Civil Application stands disposed of.

(AJIT B. KADETHANKAR, J.)

PRW