IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

FIRST APPEAL NO.09 OF 2016

HDFC ERGO General Insurance Co. Ltd.
Through it's Branch Manager,
6th Floor, Leela Business Park,
Andheri Kurla Road, Andheri (East)
Mumbai-400 059

Through it's Branch Manager/Authorized Signatory,
Adalat Road, Aurangabad. ....APPELLANT

*VERSUS*

1) Pallavi Arjun Dalvi,
Age: 21 years, Occu: Household,

2) Keshav Arjun Dalvi,
Age: 2 years, Occu: Nil,
Since Minor through Guardian Mother
Respondent No. 1 Pallavi

Both r/o. Dalvi Vasti, Wadgaon Tanpura,
Taluka Karjat, District Ahmednagar

3) Kundlik Anna Dalvi,
Age: 52 years, Occu. Business & Agriculture.
R/o. Wadgaon, Tanpura, Taluka Karjat,
District Ahmednagar ...RESPONDENTS

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Mr. Mohit R. Deshmukh, Advocate for the Appellant
Mr. Aniruddha A. Nimbalkar, Advocate for Respondent Nos.1 and 2
Mr. Ramraje Deshmukh, Advocate for Respondent No.3

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CORAM : AJIT B. KADETHANKAR, J.
RESERVED DATE : 29.10.2026
PRONOUNCED DATE: 20.11.2026

JUDGMENT :-

. **Subject-matter** : In the light of the substantial questions of law framed by this court, and the numerous case laws relied upon by the parties, I feel it necessary to render my findings on "(i) the degree *of* evidence to establish employer-employee relationship between a father and his son for the purpose of a claim u/s 4 of the Employee's Compensation Act 1923?' and (ii) Whether the Commissioner/Court should rely only on the deposition of claimant and the admission of the alleged employer?"

2. Heard Mr. Mohit R. Deshmukh, learned advocate for the Appellant and Mr. Aniruddha A. Nimbalkar, learned advocate for the respondents/claimants. Mr. Ramraje Deshmukh for tractor owner/Respondent no.3 adopts the arguments of Mr. Nimbalkar. At the instance of the parties, the appeal is heard for final disposal at admission stage.

For the sake of brevity and to avoid confusion, the parties are referred to their factual status.

3. **Brief facts**:

3.1 One Arjun Dalvi while driving a tractor No.MH-16-AV-5395 lost his driving control and fell in a water canal. He succumbed to the accident. This happened on the midnight of 15.06.2014. The Tractor was owned by his father – Respondent no.3. It was duly insured with the Appellant.

**3.2** Alleging that Arjun died while in the course of and out of employment with the Respondent no.3, a claim u/s 4 of the Employee's Compensation Act 1923 [‘the Act’ for brevity] was lodged by the Respondent nos.1 and 2 before the learned Commissioner for Employee's Compensation @ Judge, Labour Court Ahilyanagar. [‘the Trial Court’ for brevity]

**3.3** The claim petition was filed against the Respondent no.3 (tractor owner-father) and the Appellant (Insurer) for an amount of Rs.10,00,000/- recoverable jointly and severally. Claim was registered as WCA No.41 of 2014.

**3.4** Claimants’ case was based on basic contention that deceased Arjun was employed by the Respondent no.3 i.e. Arjun’s own father to drive the tractor. It was contended that on the fateful night, Arjun was proceeding to plough farm of his father-in-law on the instruction of his own employer i.e. father. That, while proceeding to the instructed farm, the accident occurred.

**3.5** Respondent no.3 appeared and accepted the case set up in the claim petition, however sought insurance shelter.

**3.6** Claimant examined herself and also the Respondent no.3. Obviously, they re-iterated the pleadings as regards to the employer-employee relationship between the father and the son. The appellant did not

adduce any evidence. Claimant argued in support her claim. The Appellant argued contending that the claim was a collusive one.

3.7 After hearing the parties, the Trial Court held that the relationship between the deceased and the tractor owner was acceptable on the basis of the evidence tendered by the claimants. Thus the claim was quantified @ Rs.6,55,840/- with interest as ordered, making it recoverable jointly and severally from the owner and the insurer.

3.8 As against this, the appellant - Insurer is before this Court in the First Appeal.

4. <u>Substantial question of law:</u>

After hearing the parties, on 07.10.2026 this Court (Coram: Honorable J. Rohit Joshi) framed following substantial questions of law:

*(I) Whether the finding with respect to employer-employee relationship recorded by the Commissioner of Compensation is perverse having regard to the fact that deceased was son of owner of vehicle and there is no evidence other than the oral testimony of original claimant that deceased was employed for plying the tractor by his father ?*

*(II) Having regard to the fact that deceased met with an accident while plowing the field of his father-in-law, can it be stated that the accident occurred during course of his employment ?*

*(III) Whether the claim set up by the claimant is a collusive claim ?*

5. **Submissions by Appellant:** In the light of the substantial questions of law, both side advanced their arguments. The submissions advanced by Mr. Mohit Deshmukh, learned advocate are recorded as below.

5.1 Mr. Mohit Deshmukh, learned advocate for the Appellant submits that there was no cogent evidence on record to accept the disputed relationship of 'employer-employee' between the deceased and the tractor owner (father);

5.2 He submits that the Trial Court erred in relying upon the statements of the claimant and the tractor owner. His submission is that in the peculiar facts, it was but natural and obvious that the father would support the claim since the vehicle was insured;

5.3 Pointing out to the salary certificate which is scribed and issued post the accident, Mr. Deshmukh submits that the claim is apparently collusive one. Mr. Deshmukh's argument fingers at the First Information Report and the salary certificate produced by the claimant. He would submit that the F.I.R. does not speak anything about disputed relationship, and the salary certificate itself is a concocted document. Thus, he prays to allow the appeal.

5.4 Citations:

In support of his submissions, Mr. Mohit Deshmukh relies upon following citations:

i. (2007) 13 SCC 446
[Gottumukkala Vs. National Insurance Co.ltd.

ii. First Appeal No.193 of 2004
(Shirishkumar Jain Vs. Prakash Jain and anr.)

iii. First Appeal No.2009 of 2019
(Sharada Jaiswal and ors. Vs. Sunil Manpure @ Jaiswal and anr.)

iv. First Appeal No.1821 of 2020
(Iffco Tokyo GIC Vs. Shahenaz and another)

v. FAO No.234 of 2014 (High Court of Himachal pradesh)
Oriental Insurance Co.ltd. Vs. Ram Pyari Gupta and ors.

6. Submissions by Respondents:

6.1 Mr. Nimbalkar, learned advocate for the Claimants would strongly advocate the finding rendered by the Trial Court. He would additionally take support of a number of citations to justify the impugned Judgment and Award.

6.2 It is contended by Mr. Nimbalkar, learned advocate for the Claimants that it is a common and accepted practice in the rural region of the State where close relatives are employed for agricultural purpose. He submits that once the father-the tractor owner enters into the witness box and accepts the disputed relationship, the Trial Court is justified in passing the claim.

6.3 Mr. Nimbalkar's foremost objection is that the Insurer/Appellant did not enter into witness box to dilute the claimants' evidence. Thus, it is

submitted that the First Appeal does not hold any merit and the same is liable to be dismissed.

6.4 Mr. Ramraje Deshmukh, learned advocate for Respondent no.3 did not advance separate arguments. His conduct is obvious and natural since the case raised by the claimants is accepted by his client in toto. Thus, Mr. Ramraje Deshmukh adopts Mr. Nimbalkar's arguments.

6.5 Case laws: Mr. Aniruddha Nimbalkar, learned advocate relies upon following citations.

i. AIR 2014 SC 893
(TS Shaylaja Vs. Oriental Insurance co.ltd. and ors)

ii. 2024 (4) ABR 167 (Nagpur bench)
(National Ins.Co.ltd. Vs. Tara Sakure)

iii. First Appeal No.141 of 2012 (Bombay)
(Chitrarekha Vs. CR Chaudhari and another)

iv. 2001 SCC Online Kar 81 [Karnataka High Court]
(United India Ins.Co.ltd. Vs. Jhonsa and ors)

v. LAWS (KAR) 2005-3-14 (Karnataka High Court)
(Oriental Insurance Co.ltd. vs. Hanumant)

vi. 2008 SCC Online Kar 146 (Karnataka High Court)
(New India Ins.Co.ltd. Vs. Gajanan and ors)

vii. MANU/KA/0440/2016
Divisional Manager NIC Vs. Pramilabai and ors.

7. Discussion and consideration:

In order to answer the substantial questions of law in the light of the various case laws cited by the parties, the pleadings and the evidence

need to be seen. At the outset I express that it is a long-standing practice and culture followed in the rural area of Maharashtra of employing close relative(s) over agricultural work. This is a routine and common practice. However, for the purpose of present claim, that itself would not be sufficient directly to hold that there was employer-employee relationship between the deceased and his father. In view of this, now I shall go by the relevant evidence tendered by the claimants and its assistance to prove the claim against the insurer on the point of the liability under Employee's Compensation Act 1923.

First Information Report [Exh.U-11]

The First Information Report of the accident is filed by cousin of the deceased who resides just adjacent. The informant reported that on the fateful night the deceased told him that he was proceeding to plough his father-in-law's farm using the insured tractor. Soon thereafter the accident occurred that claimed death of cousin Arjun (the deceased).

Salary certificate [Exh.21]

Much reliance is placed on a document purportedly said to be a 'salary certificate' issued by the father in favor of his son. This handwritten document is dated 22.03.2015. The document is written by somebody else and the tractor owner has signed it. The accident occurred on 15.06.2014. This document is shown to have been executed much after the incidence occurred.

Motor Driving License

The deceased was equipped with a license to drive a tractor. From the recitals of the M.D.L. copy, it appears that on the fateful day, the deceased was holding valid and effective Motor Driving License to drive the tractor.

Revenue record of the Respondent no.3

The revenue record of the land holding of Respondent no.3 is on record. It shows that the Respondent no.3 was the sole/independent owner of the land mentioned in the mutation record.

Ration card:

This document shows that the deceased had an independent ration-card issued by the Karjat Tehsildar. This is the last piece of evidence on which the Claimant rely, other than the verbal testimonies. It bears the names of deceased Kundlik, his widow and a daughter. It is specifically mentioned on the Ration card that the family unit is nuclear unit.

8. Case laws: Now I shall discuss the relevance and assistance of the case laws cited by both the parties in support of their respective contentions:

Appellant:

(i) (2007) 13 SCC 446
[Gottumukkala Vs. National Insurance Co.ltd.

This is a case wherein the Honorable Supreme Court discarded the employer-employee relationship between a husband and wife. A case was

sought to be set up by the wife that on account of disputes inter-se, she was living separately from the husband. It was therefore sought to establish that the tractor owner wife engaged her husband as driver to drive the tractor. Although the facts in the cited case may not be applicable to the case in hand for the reason that the case of employer-employee relationship between husband and wife can not be the same of employer-employee relationship between father and a son.

(ii) First Appeal No.193 of 2004
(Shirishkumar Jain Vs. Prakash Jain and anr.)

This Judgment and Order is passed by Single Bench of this Court at Aurangabad. It was a case of 'brother employing brother'. The vehicle involved was a private car. The business carried by the owner was 'Cloth businesses. The claimant claimed to have been employed by the brother to drive the car. The Court assessed the income statements of the brother car owner, who echoed the claimant. Apparently, the facts in the cited case are substantially different from the case in hand. I am not impressed to apply the cited case to the present one.

(iii) First Appeal No.2009 of 2019
(Sharada Jaiswal and ors. Vs. Sunil Manpure @ Jaiswal and ors.)

Again this was a case of 'brother employed brother'. The facts of the case are substantially different from the case in hand. In the cited case, the vehicle was a private car. It was specific case that the car owner was employed

in government office, and his car was being used by his deceased brother for business purpose to sell eggs. Neither this could be accepted that while doing a government job, the car owner was doing the job of egg selling, nor such was the case set up. It was a misconceived case of the claimants therein that since the car was used for the business run by the deceased, the claim was maintainable. This Court rightly discarded the theory of 'employer-employee' relationship in the peculiar facts. However, considering the substantial difference in the facts this case law would be of now avail to the Appellant.

(iv) First Appeal No.1821 of 2020
(Iffco Tokyo GIC Vs. Shahenaz and another)

This was a compensation case filed by a wife against husband claiming compensation on account of her son's death. The son was claimed to have been employed by the father to drive his (father's) truck. The father/truck owner consistently remained absent during the trial. Learned Commissioner as well as this Court took into consideration the statements obtained from the co-occupant in the truck. They nowhere said that the deceased was driving the truck. This Court observed that the case of holding the deceased (son) of having been employed by the father to drive his truck was a cooked story to apply employer-employee relationship. Again, these findings are based on different set of facts. This Court has rightly observed that each has its peculiar facts and circumstances (emph.Para.22). This is of no avail to the case in hand.

(v) FAO No.234 of 2014 (High Court of Himachal pradesh)
Oriental Insurance Co.ltd. Vs. Ram Pyari Gupta and ors.

This was also a case of employer-employee relationship between brother - brother. The High court discarded claimants' case observing that no cogent evidence was placed on record to establish such relationship. There is no discussion on the evidence tendered by the parties except the evidence of the claimant/widow.

Case laws by the Claimant/R.Nos.1 & 2:

(i) AIR 2014 SC 893
(TS Shaylaja Vs. Oriental Insurance co.ltd. and ors)

This was a case wherein a brother was employed by another brother. The claim was allowed by the Trial Court, and the findings were reverted by the High Court. The Honorable Supreme Court observed that High Court did not formulate substantial question of law to decide an appeal u/s 30 of the Employee's Compensation Act 1923. It is observed that for want of adherence to the basic requirement to deal with such appeal, the High Court was not justified in reverting the findings of the Trial Court. The Honorable Supreme Court criticized the High Court judgment observing that High Court didn't record any contradiction between any document and the witness version for the claimants. The Judgment and Order rendered by the High Court was set aside for the reason that the High Court didn't advert to any document.

Such are not the facts of present case. This Court has framed substantial questions of law. After hearing the parties on the substantial questions of law, this Court is rendering its findings. Pondering findings on whether the Trial Court erred in holding employer-employee relationship validly existed between the deceased Arjun and the owner Kundlik would decide the substantial questions of law.

(ii) 2024 (4) ABR 167 (Nagpur bench)
(National Ins.Co.ltd. Vs.Tara Sakure)

The facts of this cited case are a bit similar. This was also a case of 'employer-employee' relationship between a son and father. Only father entered into witness box and admitted his son was employed by him. This Court accepted claimants' case on the count that the claimant clearly came up with a case that she and her deceased husband were residing separately from the respondent father-in-law (deceased's father @ owner of tractor). Case in hand falls deficit to be covered by this case law for the reason that Claimant did not claim that the deceased and the claimants were living separately from the Respondent no.3 – the father.

(iii) First Appeal No.141 of 2012 (Bombay)
(Chitrarekha Vs. CR Chaudhari and another)

This Court while accepting the case of claimants, observed that no documentary evidence was needful for establishing an employer-employee relationship between a father and a son. In that case also merely mother of the

deceased deposed in support of claim. Observing that in a claim petition which is part of beneficial legislation, the Trial Court ought to have weighed in favor of the claimants. The other part of the claim regarding the evidence by the parties and their pleadings is not part of the judgment. Hence, I refrain myself from applying this judgment to the case in hand.

(iv) 2001 SCC Online Kar 81 [Karnataka High Court]
(United India Ins.Co.ltd. Vs.Jhonsa and ors)

Observing that the Appellant Insurer could not have taken the defense to challenge the requisite relationship unless there was permission u/s 170 of the Motor Vehicles Act 1988, the Karnataka High Court turned down the appeal filed by the Insurer. Apparently, the case is absolutely distinguishable. Two basic components need to be established in a claim u/s 4 of the Employee's Compensation Act 1923 i.e. (a) there was employer-employee relationship between the deceased/insurer and the owner/employer; and (b) the accident took place in the course of and out of employment. The claimants are carrying the burden to prove these two components. I respectfully do not agree with the proposition reduced in the cited judgment.

(v) LAWS (KAR) 2005-3-14 (Karnataka High Court)
Oriental Insurance Co.ltd. vs. Hanumant

The High Court set aside the Judgment and Award delivered by the Trial Court observing that there was no evidence to show that any injury and permanent disability was noticeable to grant compensation. However, it was

further observed that engaging a close relative on certain employment/family business is a common practice in the society. This citation is misconceived in the light of the substantial questions of law framed in this appeal.

(vi) 2008 SCC Online Kar 146 (Karnataka High Court)
(New India Ins.Co.ltd. Vs. Gajanan and ors)
And
(vii) MANU/KA/0440/2016
Divisional Manager NIC Vs. Pramilabai and ors.

In these cases, the High Court observed that there could be employer-employee relationship between very close relatives. These are on acceptable relationship of 'employer-employee' between the close relatives. These were based on the cases of Gottumakkala and Hanumant (both supra). I have already observed that I do not disagree with such analogy and finding. However, it has to be proved with minimum reasonable and independent evidence.

## 9. Finding and conclusion:

**9.1** As I expressed at the outset, I have no reason to disagree with the finding that 'in the rural part of the State, there is common practice to employ close relative(s) on agricultural job'. Unlike employer-employee relationship between 'husband and wife', such relationship between 'father-son', 'brother-brother', 'sister-brother' are quite acceptable. This is because of limited source of earning, scarcity of manpower, limited resources and limited agricultural equipment, early division of the

families etc. I segregated such relationship between 'husband and wife', for the reason that it is a far fetchable inference to frame a case into section 4 of the Employee's Compensation Act 1923.

**9.2** This is a case of agriculturists. Considering the society and condition in which the parties live, the relationship, the source of livelihood etc. expecting the claimants to produce documentary evidence to prove the employer-employee relationship between the close relatives; and discarding the claim for want of such documentary evidence would be frustrating the object of the legislation itself.

**9.3** Proposition of law is one thing, and facts to apply the proposition is another thing. I am of the considered view that merely relying upon the testimony of the claimants and the admission of the vehicle owner to uphold 'employer-employee' relationship between very close blood relatives would be laying down a wrong precedent. I am of the view that there must be at least minimum one "independent witness", other than the claimant and the alleged employer to assert on oath that there was employer-employee relationship between the deceased and the employer/owner.

**9.4** Appellant's first argument is in respect of the recitals in the First Information Report. So far as F.I.R. is concerned, true that it is very natural and immediate statement which does not bear a single word

indicating that deceased Arjun was living separately from his father-the tractor owner. It has to be born in mind that this is not a criminal prosecution. This was merely an information about the mishap. Lacking deep specific information in the F.I.R. that the deceased was working under the employment of his father cannot be considered fatal to the claim. The Court has to see the evidence that the claimants tender to prove the employer-employee relationship.

**9.5** The document produced by the claimants as salary certificate is certainly of no use to prove the relationship. Apparently, this is an afterthought document. It is issued much after the accident took place. It is written in somebody else's handwriting, and then signed by the Respondent no.3. I discard this evidence. To that, I agree with the arguments of the Appellant that this document doesn't strengthen claimants' case.

**9.6** Same is the case about another document produced by the claimants i.e. the Motor Driving License of the deceased. This too has no significance to define the relationship of employer-employee between him and the Respondent no.3.

**9.7** I am cautious about the argument advanced by Mr. Deshmukh, learned advocate for the appellant about use of the insured vehicle. The use for which the tractor was insured is mentioned as 'agricultural purpose'. It is sought to be contended that as the tractor was let to plough the farm of

deceased Arjun's father-in-law, that was used on commercial purpose. Thus, breach of policy condition is sought to be argued. I do not comprehend with this argument for the reason that neither is direct evidence that the tractor was used on commercial purpose nor the Insurer adduced any evidence to that effect. Letting agricultural equipment, particularly tractor etc. is natural and common practice in the rural part of the State. Merely offering/using the insured tractor to plough farm of somebody else than owner, in my considered view does not absolve the insurer of its liability.

**9.8** On the other hand, I find that the last and best pieces of evidence from claimants' side is the ration card which needs to be read together with the revenue record of Respondent no.3. The ration card shows that deceased Arjun's family consisting himself, the claimants nos.1 and 2 was a nuclear/separate family. For the purpose of the present compensation claim, it strengthens the case put up by the claimants that deceased Arjun and the claimants were residing independently from Respondent no.3, and that he was earning independently. The revenue record in the name of Respondent no.3 shows his land holding as an independent owner. If these documents are kept in juxtaposition, the case raised by the claimants deserves to be accepted by applying the principle of 'preponderance of probabilities'. Inopportunely, the Trial Court has not

touched the case from this angle.

9.9 However, a claim could have been allowed for the reasons stated above in a case where there was absolutely no room to produce any independent evidence from claimants' side. If an independent evidence is offered from the claimants' side, it removes all other hurdles in their way and does not need the Court to decide a case on assumptions and presumptions.

9.10 In the case in hand, nothing prevented the Claimants to examine any other person from the village or even relatives to depose about the relationship in question. Evidence by the owner (father) in support of the claim may be absolutely justified, but alone not 'acceptable' to allow the claim u/s 4 of the Act. The evidence by such employer always carries dark clouds on its genuineness. The proceeding pending before the Trial Court was 'an inquiry'. The Trial Court could have proactively itself called upon the claimants to produce an independent witness or an additional evidence to support the contention about the relationship in question or could have put any question. This is not done. Allowing claim only on the basis of the statement of the claimant and admission by the owner, would not only be risky but also would be prejudicial to the object of the beneficial pieces of legislation in the given set of facts.

9.11 I do not look at this matter from the point of view that there is no prohibition on employer-employee relationship between very close

relative. What is needed, is the 'satisfactory and convincing' compliance by the claimants to discharge the burden to prove the disputed relationship with at least minimum but 'independent' evidence. I am of the considered view that allowing the claim like one in hand with such blanket observation about possible relationship would result into wrong precedent, unless scanned under the glass of independent evidence.

**9.12** I express my displeasure over the deficiency in findings of the Trial Court. The Courts while dealing with the cases of beneficial legislation are the 'custodian of the cause for justice'. The Courts must not put its feet into the shoes of either side, still considering the prevailing law the Courts ought to have called upon the parties to adduce an independent evidence considering that it is a beneficial piece of legislation and may be by taking recourse to the provision like Section 165 of the Evidence Act.

**9.13** Thus, the provision of law itself makes it clear that it is neither a case of 'collection of evidence' nor a case of 'creation of evidence'. It is about the power of the Court to arrive at proper conclusion with adequate reasoning. The Trial Court ought to have tested the case from every angle on the basis of the documents produced by the Claimants, and pertinently exercising the power conferred upon it by the legislature. These 'inquiries' must not be undertaken mechanically and as a mere formality.

**9.14** For the reasons recorded above, I am disposed to observe that the appeal succeeds to the extent of recording the findings of the Trial Court to be deficit and inadequate to uphold 'employer-employee relationship' between the deceased and the Respondent no.3.

**9.15** In view of above,

i. I answer the first Substantial Question of Law partly in affirmative, and the rest in negative.

ii. I hold that, the Trial Courts/Commissioners must call for at least one independent evidence/independent witness to establish employer-employee relationship in the cases of close relatives, in addition to the depositions of the claimant(s) and the employer relative.

iii. In other words, the Courts/Commissioners must not rely solely on the statements of the claimant(s) and the employer relative.

**9.16** Keeping in mind the object of the beneficial legislation, I of the view that the matter needs to be remitted back to the Trial Court with an opportunity to the Claimants to adduce additional evidence of an independent witness. Needless to mention, the Appellant too shall have an opportunity to counter such additional evidence as also to adduce its evidence if so advised. The Trial Court shall render its findings mindfully

in the light of the observations recorded herein.

**9.17** However, considering the age of the claim I deem it proper to permit the claimants to withdraw the amount deposited by the appellant. To balance the equities, the withdrawal shall be conditional.

**9.18** Before parting, I deem it necessary to request all the Courts and Commissioners functioning under the Employees' Compensation Act 1923 to adjudicate the claim inquiries proactively to reach at appropriate conclusion, instead of mechanically accepting the evidence tendered by the parties as it is. For that, taking recourse to the available jurisdiction and the provisions of law certainly cannot be termed as filling up lacunae of a party – but must be treated as an abundant duty as a Commissioner under the Act.

Hence I pass following order:

**O R D E R**

a. The First Appeal stands partly allowed. Impugned Judgment and Award dated 22.07.2015 passed by the learned Commissioner for Employee's Compensation @ Judge, First Labour Court, Ahmednagar in Application (W.C.) No.41 of 2014 is quashed and set aside, and the matter is remitted back to the Trial Court for fresh disposal under following directions only on the point of 'employer-employee' relationship between the deceased Arjun and the Respondent no.3.

b. For the above purpose, the claimants are permitted to adduce independent evidence. The Appellant is also permitted to adduce evidence in rebuttal, if so advised. Both parties are at liberty to counter opponent's evidence.

c. The Claimants are permitted to withdraw the amount deposited by the Appellant in the Trial Court. The withdrawal shall carry accrued interest.

d. While withdrawing the amount, the Claimant shall file a clear undertaking that in the event of dismissal of the claim, they shall refund the withdrawn amount.

e. The parties shall appear before the Trial Court on 1st December 2026. On the same day the claimants shall file their additional evidence. No separate notice of appearance is necessary to any party.

f. The Trial Court to conclude the Trial within a period of three months from appearance of the parties.

g. Award accordingly.

h. Civil Applications, if any, stand disposed of.

[AJIT B. KADETHANKAR, J.]

PRW