



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

FIRST APPEAL NO. 1358 OF 2008

Tarabai Raghunath Chavan And Anr

VERSUS

Anita Jalindar Chavan And Anr

WITH

916 CIVIL APPLICATION NO. 3803 OF 2026

IN FA/1358/2008

Tarabai Raghunath Chavan And Anr

VERSUS

Anita Jalindar Chavan (died) And Anr

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Mr. P. S. Koshti h/for Mr. Babanish B Shelke, Advocate for Applicant

Mr. A. S. Usmanpurkar Advocate for Respondent No.2

Mr. A. V. Hon, Advocate for the original Respondent -employer

CORAM : Y. G. KHOBRAGADE, J.

Dated : 1st April, 2026

PER COURT :-

1. Heard learned counsel for the appellants and learned counsel for respondent no.2-Insurance company and learned counsel for respondent No.1-employer. None appeared for respondent no.1 as the appellants have obtained decree, declaring civil death of respondent no.1.

2. It is a matter of record that, appellant Nos. 1 and 2 are original respondent nos. 3 and 4 in Application (WC) No. 32 of 2003. Respondent No.1 had filed an application under the Employees Compensation Act, on the ground that her husband Jalandar Chavan was working as a Driver with respondent no.1 and was driving

Mahindra Jeep No. MH17-H-127. The said jeep was insured with respondent no.2 Insurance Company. However, on 23.04.2003, at about 11.30 a.m., the said Jeep met with an accident and her husband died during the course of employment. After conclusion of the trial, on 17.04.2007, the learned Commissioner under the Employees Compensation Act directed the original respondent Nos. 1- owner of vehicle and 2-Insurance company to jointly and severally pay compensation of Rs.2,42,343/- with interest @ Rs.12% per annum from 24.04.2003 till realization of the amount. Respondent No.1 employer was further directed to pay fine of Rs.50,000/- and Rs.1000/- towards costs. However no apportionment of the amount has been given in respect of claimants i.e. present respondent no.1 and original respondent Nos. 3 and 4/present appellants. The main grievance of the appellants is that, they are entitled to receive compensation as they are parents of the deceased Jalindar Chavan.

3. The appellants have filed Civil Application No. 3803 of 2026 and contended that, during the pendency of the present appeal, respondent no.1 Anita Jalindar Chavan/original claimant was residing at Deolali Pravara Tq. Rahuri Dist. Ahmednagar. However, on 19.4.2015 she had been to the house of her mother Kesharbai Deoram Kotkar and while returning home, she went some where without informing anybody. On 06.06.2015, Smt. Kesharbai w/o Deoram

Kotkar, lodged a missing report of her daughter- Anita(respondent no.1) on ground that, on 19.04.2015, Anita went somewhere without informing anybody and no one knows her whereabouts. Therefore, the present appellants filed RCS No. 596 of 2022 before the learned Civil Judge Senior Division, Rahuri and prayed for declaration of civil death of respondent No.1 Anita, widow of Jalindar Chavan. On 18.12.2023, the learned Civil Judge, Junior Division, Rahuri passed the judgment and decree declaring Anita as civilly dead. Therefore, it appears that the present appellants who are parents of deceased Jalindar are the only legal heirs of deceased Jalindar Chavan. As such, the present appellants are entitled to receive the entire amount of compensation including the penalty amount granted by the learned Commissioner under the Employees Compensation Act under the judgment and award dated 17.04.2007.

4. On perusal of the record, it further appears that on 17.09.2007, the learned Commissioner under the Employees Compensation Act passed an order in Application (WCA) No. 30 of 2007 and paid Rs.48,376/- to the present appellant No.1 Tarabai Raghunath Chavan and Rs.50,000/- to respondent no.1-Anita Jalindar Chavan by cheque and the remaining amount of Rs.2,50,000/- was invested with State Bank of India, Savedi Branch, Ahmednagar.

5. Present appellant No.1 Tarabai Raghunath Chavan is Class-1

legal heir of Jalindar Ragnath Chavan as vide judgment and decree dated 18.12.2023 passed in RCS No. 596 of 2022, the learned Civil Judge, Junior Division declared Respondent No.1 Anita as civilly dead. Therefore, the appellant No.1 Tarabai Raghunath Chavan is entitled to receive the entire remaining amount of compensation deposited as per judgment and award dated 17.04.2007 passed by the learned Commissioner under the Employees Compensation Act in Application (WC) No. 32 of 2003. The award is modified accordingly.

6. The First appeal is accordingly disposed of. Pending Civil Application also stands disposed of.

(Y. G. KHOBRAGADE, J.)

JPChavan