



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

913 CIVIL APPLICATION NO. 1691 OF 2026
IN FAST/11340/2024

Ramkisan Ananta Adsul and others
VERSUS
Sanjay Madhukar Gambhire and others

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Ms. Lomte Ashwini Annasaheb, Advocate for Applicants
Mr. Sunil D Kaldate, Advocate for Respondents 3 & 4
Mr. S. S. Dande, AGP for Respondent nos. 3 and 5

CORAM : Y. G. KHOBRAGADE, J.
Dated : 25th March, 2026

PER COURT :-

1. Heard Ms. Ashwini Lomte, learned counsel for the applicants/original claimants, Mr. Sunil Kaldate, learned counsel for non-applicant No.2-Chief Executive Officer, Zilla Parishad, Osmanabad and Non applicant No.4, B.D.O. Panchayat Samiti, Kalam, Dist. Osmanabad and learned AGP for Non applicant No.3 Collector, Dharashiv (Osmanabad) and Non applicant No. 5-Tahsildar, Kalam. None present for Non applicant no.1 and 6, but no claim has been set out as against Non applicant Nos. 1 and 6.

2. By the present application, the applicants, who are original claimants in WCFA No.51 of 2015 are seeking permission to withdraw the amount of compensation with interest accrued thereon, deposited by the non applicant nos. 2 and 4 in the trial court.

3. The learned counsel appearing for non applicant nos. 2 and 4 filed reply and strenuously resisted the application and canvassed that , the present applicants/original claimants have not disclosed the true facts before the learned Commissioner for Employees Compensation about the non existence of employer-employee relationship between non applicant nos. 2 & 4 and deceased Tanaji Adsul who allegedly met with an accident during the course of employment.

4. The learned counsel appearing for the non applicant nos. 2 and 4 further canvassed that, the proceeding of WCFA No.51 of 2015 was proceeded ex-parte as against non applicant Nos. 2 and 4 and the learned trial court simply relied on the job card of the deceased. The deceased was never engaged or employed by non applicant no.2 Zilla Parishad. Therefore, if the applicants/original claimants are permitted to withdraw the entire amount of compensation, in that event, it will not be possible to recover the same, in case this Court set aside the judgment and award dated 24.03.2024 passed by the learned Commissioner for Employees Compensation in WCFA No.51 of 2015.

5. The learned AGP, who appeared for non applicant nos. 3 and 5, raises no objection.

6. Needless to say that, the applicants/original claimants in WCFA No. 51 of 2015 have claimed compensation under the Employees Compensation Act, 1923 on account of accidental death of Tanaji

Adsul, husband of applicant No.3 and son of applicant Nos. 1 and 2.

7. On perusal of the judgment and order dated 24.03.2023, it appears that non applicant no.2 Zilla Parishad was served with the notice but failed to file written statement and did not participate in the proceeding. Hence the matter was proceeded ex-parte against the non applicant- Zilla Parishad. The applicants/original claimants have proved the substantial documentary evidence. The applicant no.1/Ramkisan filed evidence affidavit at Exh. 22 and also examined CW-2 Dhananjay Adsul. It further appears that, the applicants have substantially proved that the deceased Tanaji Adsul was employed with non-applicant No.2-Zilla Parishad and there was relationship as employer-employee between the deceased Tanaji and non applicant no.2. So also, the death of deceased Tanaji was caused during the course of employment. Therefore, considering his income as well as material available on record, the learned trial court directed the non applicant nos. 2 to 5 to pay compensation of Rs.4,36,940/- with interest @ 12% per annum with effect from 25.04.2023 till its realization.

8. Needless to mention here that, as on today, the non applicant no.2 deposited the total compensation amount of Rs.21,46,400/- and odd inclusive of interest with the trial court. Therefore, considering the need of the present applicants/original claimants, it would be just

and proper to permit them to withdraw 50% of the amount deposited.

9. In view of the above the applicants herein are permitted to withdraw the amount of 50% of compensation amount alongwith the proportionate interest accrued thereon till date on furnishing undertaking before the trial court that in case, this Court reverses the judgment and award dated 24.03.2024, passed in WCFA No.51 of 2015, in that event the applicants/original claimants shall re-deposit the said amount within a period of four weeks therefrom before the trial court.

10. The remaining 50% amount be invested in FDR in any nationalized bank on yearly renewal basis till the final disposal of the appeal.

11. The application is accordingly disposed of.

(Y. G. KHOBRAGADE, J.)