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 Decided on : 23.07.2025
 Duration : 0Y 05M 05D

**BEFORE THE COMMISSIONER, UNDER EMPLOYEES COMPENSATION
 ACT, 1923 & JUDGE LABOUR COURT, CHANDRAPUR**
[Presided over by M. A. Husain, Judge]

Rec. W.C.A. No.01/2025
 (CNR No.MHLC34000043-2025)

1. Smt. Komal wd/o Prakash Rakhade
 Aged about- 30 years, Occu- Household.
2. Nripesh s/o Prakash Rakhade
 Aged about- 05 years, Occu- Nil

Both R/o. Tilak ward Neri Tah : Chimur
 Distt : Chandrapur.

.... Applicants.

-:- VERSUS -:-

Mrs. Omprakash Ramchandra Khaire
 Aged about- 50 years, Occu- Business
 R/o. Netaji ward, Neri
 Tah : Chimur, Distt : Chandrapur.

....Non-applicant.

Appearance :-

Shri A. S. Lokhande, Ld. Adv. for applicants.

Non-applicant – Ex-parte.

ORDER

(Passed on 23.07.2026)

The applicant has filed the present application under Section 31 of Employee's Compensation Act, 1923 for issuing recovery certificate to recover the amount of compensation.

2] It is case of the applicants that they had filed the application bearing no. WCA No. 03/2020 against the non-applicant under Section 22 of Workmen's Compensation Act. The said application came to be decided on 07.12.2024 wherein this Court has directed the non-applicants to pay the amount of compensation of Rs. 8,31,920/- with simple interest @12% per annum over such amount from the date of accident till its actual realization to all applicants within one month. The non-applicant was further directed to pay penalty i.e. 25% amount of Rs. 8,31,920/- which comes to Rs. 2,07,980/- to applicants within one month. In view of the judgment and order dated 07.12.2024 passed by the Hon'ble Commissioner, the non applicant was required to deposite total amount of Rs. 17,21,797/- But, non applicant has not deposited the said amount within one month from the date of order. Therefore, the applicants have filed the present application. After service of notice by paper publication, non-applicant failed to appear in the matter. Hence, matter was proceeded ex-parte against the non-applicant vide order dated 29.01.2026 below (Exh.U-1).

3] In support of their case, applicants examined applicant no.1 below Exh, U-15. Her evidence remained unchallenged. The copy of judgment in WCA no. 03/2020 is at Exh. U-20. Non-applicant is absent and did not argue the case, therefore, by closing arguments case is taken for order. Having heard the arguments of learned advocate for applicants, I have gone through the record. Record shows that the non-applicant failed to appear before the Court, and not deposited the compensation amount as per the order of the Court in WCA Case No. 03/2020. Considering the circumstances and evidence on record, it clears that, the applicants are entitled to get recovery certificate as prayed for in the application. Hence, I am of the view that, application deserves to be allowed. In the result I pass the following order:-

ORDER

- 1) Application is partly allowed
- 2) Issue Recovery Certificate against the non applicant as per Land Revenue Act.
- 3) The applicants are directed to furnish the details of property of non-applicant for execution of recovery certificate.
- 4) Proceeding be closed.

(M. A. Husain)
Commissioner

Date : 23.07.2026.
CHANDRAPUR.

Under, Employee's Compensation Act,
Labour Court, Chandrapur.

Argued on	:	23.07.2026
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