

IN THE 2ND LABOUR COURT AT AURANGABAD

Before Shri. S. S. Sahasrabudhe, LL.M., The Commissioner for Employee's
Compensation & Judge, 2nd Labour Court, Aurangabad

Appln. WCA (A) No.05/2023
CNR No. MHLC200000832023

Exh.O-

1. **Rani wd/o. Rajesh Garkal,**
Age :-- 23 Yrs. Occ. Household,
2. **Sarthak s/o. Rajesh Garkal**
Age : 3 Years, Occ. Nil,
3. **Kumari Rajashree d/o. Rajesh Garkal**
Age : 1 year, Occ. Nil,
4. **Bhujang s/o. Shankar Garkal,**
Age : 55 years, Occ. Agriculture,
5. **Kasturba w/o. Bhujang Garkal,**
Age : 54 years, Occ. Household,

...

Applicants/
Petitioners

All R/o. Ghogas Pargaon,
Tal. Shirur Kasar, Dist. Beed.
At present – Bajaj Nagar, MIDC Area,
Waluj, Aurangabad.

Vs.

1. **Dnyaneshwar Bhima Sanap,**
Age : 34 years, Occ. Business/owner of truck
R/o. 1st Floor, 1075, Sanap Niwas,
Renuka Society, Galli No.2, Near Vitthal Mandir,
OT Section, Ulhasnagar, Dist. Thane.
2. **The Manager/Officer,**
Cholamandalam M/S General Insurance Co.Ltd.,
Shop No.4, Plot No.33,
Opp. LMS Jewellers, Rokadiya Hanuman Colony,
Jalna Road, Aurangabad.

Opponents
...Respondents

Appearances :

Shri. R. B. Dhakne, Advocate for the applicants.

DISTRIBUTION ORDER

(Delivered on this 24th day of March, 2023)

- 1) This is an application Exh.U-1 filed by applicants for the
distribution of the amount of compensation of Rs.18,31,081/- deposited

by the opponent No.2 Insurance Company towards the compensation on account of accidental death caused to deceased Rajesh Bhujang Garkal who was husband of claimant no.1 and father of claimants no.2 & 3 in pursuant to the order passed in WCA No. 13/2022 dated 27/12/2022.

2) The brief facts of applicants case are as under :

Perusal of record shows that, the applicants had filed claim petition bearing no.13/2022 before this Court for compensation in respect of accidental death of deceased Rajesh Bhujan Garkal against the non-applicants. Said matter was decided on merits vide Judgment & Order dated 27.12.2022. Accordingly, as per Judgment & order dated 27.12.2022 the non-applicant no.2 Insurance company has deposited an amount of Rs.18,31,081/- in this Court. Applicants submitted that they requires money for their livelihood and maintenance, as they have no source of income. The applicant no.1 is the wife of deceased Rajesh Bhujag Garkal, applicants no.2 and 3 are the minor son and daughter, and applicants no.4 and 5 are the father and mother of deceased Rajesh Garkal. They are legal heir and dependants of deceased. Hence, prayed for distribution of compensation amount amongst them.

3) Perused the record, including report of Sr.Clerk. Sr.Clerk has submitted report that in Appln.WCA No.13/2018 the Cholamandalam MS General Insurance company has deposited Rs.18,31,081/- towards compensation in respect of claimants Rani Rajesh Garkal and others. Entry of the same has been taken in 'C' register vide no.C-49 dated 18.03.2023.

4) In support of their case the applicants have filed documents with list Exh.U-3 i.e. copy of Judgment and Order dated 27/12/2022.

5) From perusal of said documents it appears that the claim petition filed by applicants bearing no.13/2018 has been decided on merits vide Judgment and order dated 27/12/2022. As per said judgment and order the opponent no.2 insurance company has deposited compensation amount of Rs.18,31,081/-. Except the present applicants nobody turned up claiming the amount deposited by non-applicant no.2 insurance company. It appears from the record that the applicant no.1 is the wife of deceased, applicant no.2 and 3 are minor son and daughter, and applicants no.4 & 5 are the father and mother of deceased Rajesh Garkal. As per section 2(d) of the Employee's Compensation Act, the applicants are termed as 'dependant' of deceased. Hence, they are entitled for compensation amount being dependants of deceased. As the respondents have not challenged the judgment and order dated 27.12.2022 in WCA No.13/2018 and deposited the amount of compensation without protest, there is no hurdle to distribute the compensation amount amongst the applicants. Considering the age of and need of applicants, I proceed to pass following order :-

ORDER

1. The application is allowed as under :-
2. Out of the total amount of compensation of Rs.18,31,081/-; Rs.4,00,000/- each are allotted to the shares of applicant no.1 Rani, applicant no.2 Sarthak and applicant no.3 Kumari Rajashree; and remaining amount is allotted to the shares of applicant no.4 and 5 equally.
3. The applicants no.2 and 3 are being minors, to protect their interest the amount allotted to their shares be kept in fixed deposit with Nationalized Bank till attaining their age of majority.

4. The amount allotted to the shares of applicant no.1, applicants no.4 and 5 be paid to them in lump sum only after their due identification and verification.

[S. S. Sahasrabudhe]

Place: Aurangabad

Commissioner of Employees' Compensation

Date: 24/03/2023

& Judge, Labour Court-2, Aurangabad.

CERTIFICATE

I affirm that the contents of this PDF file judgment/order are same, word to word, as per the original judgment/order.

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|----------------------------|---|
| Name of Stenographer | : G. M. Patil |
| Court | : 2 nd Labour Court, Aurangabad. |
| Date | : 24.03.2023 |
| Judgment/order signed by | |
| Presiding Officer, | : 24.03.2023 |
| Judgment/order uploaded on | : 24.03.2023 |