

**IN THE LABOUR COURT AT AURANGBAD**  
(BEFORE SHRI.S.S. SAHASRABUDHE, JUDGE, LABOUR COURT-II, AURANGABAD)

**Appln WCA (C) No. 24/2021**

**ORDER BELOW EXH.U-1**  
**(Dtd. 10.07.2025)**

1) In this case the respondent No. 1 i.e. owner appeared. He has filed written statement at **Exh. C-11**. In the said WS respondent has taken stand that the claim petition is barred by Section 53 of ESI Act. He also submitted that the deceased was insured with ESIC. Not only this the respondent No. 1 has filed application for framing preliminary issue. Said application was allowed and additional issue in respect of tenability is framed. Certainly as the respondent No. 1 has raised the issue of tenability, said issue needs to be treated as preliminary issue. Therefore, the additional issue i.e. issue No. 1(A) is hereby treated as preliminary issue. The parties are directed to lead evidence in respect of preliminary issue only if they desire so. Simultaneously, the respondent No. 1 is hereby directed to file copy of proposal/report forwarded by them with ESIC after the accident in question.

Place: Aurangabad  
Date: 10/07/2025

[ **S. S. Sahasrabudhe** ]  
Judge,  
Labour Court-2, Aurangabad.

Name of Stenographer : Mrs. G. G. Deshmukh-Dahibhate