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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

FIRST APPEAL (ST) NO.23223 OF 2024
WITH
INTERIM APPLICATION NO.13372 OF 2024

Akashdeep Agarwal,
Director Proprietor Ashtvinayank Hospital & Anr. ...Appellants

V/s.

Smt.Tarabai Sampat Waghmare and Ors. ...Respondents

Mr. Pratap Sampat a/w Ms. Bharti Shyam Suvarna i/b. Ms. Aarti
Syam Suvarna for Appellants/Applicants.

Ms. Kavita Anchan a/w. Mr. Zubair Zariwala for Respondents.

CORAM : M.M. SATHAYE, J.

DATE : 22nd DECEMBER, 2025

P.C. :

1. After hearing learned counsel for the parties for some time, it appears that the aspect of whether the Respondents Nos.1 & 2 were 'dependent' within the meaning of Section 2(1)(d) of the Employee's Compensation Act, 1923 and whether the accident took place during the course of employment, are urged to be considered.

2. However, from the perusal of the impugned judgment, apparently, the contention that the said Respondents were not dependents does not seem to have been raised. Learned counsel for the Appellants asserts that such contention was raised.

3. Respondents/claimants are already permitted to withdraw principal amount under the impugned Judgment and Award by the

orders of this Court dated 15.10.2025 and 12.12.2025 and the concerned Commissioner is already permitted to decide the withdrawal application.

4. In that view of the matter, **call for record and proceedings.**

5. The application for interim stay which is presently only relevant for the aspect of interest and penalty, shall be considered after record and proceedings are received by the Court.

6. Stand over to 23.01.2026.

(M.M. SATHAYE, J.)