

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR

FIRST APPEAL NO.560/2011

VINOD HARIBHAU AMBADKAR ..VS.. SMT.SANGITA GANGADHAR SHENDE & OTHERS

Office Notes, Office Memoranda of
Coram, appearances, Court's orders
or directions and Registrar's orders.

Court's or Judge's orders

Shri R.S.Sundaram, adv for appellant
Shri D.M. Upadhye, adv for R-1.

CORAM:A.B. CHAUDHARI, J.

DATE : 19.12.2011.

Heard.

By order dated 12.12.2011 Advocate Mr. Upadhye was asked to take instructions from his client. Today Shri Upadhye and his client Smt. Sangita are present and state that they are not willing to accept Ex-gratia amount of Rs.50000/-.

In view of the above, Mr. Sundaram is relieved of the statement made on behalf of his client that ex-gratia amount of Rs.50,000/- would be paid, if appeal is disposed of finally in terms of ex-gratia payment. Since respondent is not consenting, he has requested for final disposal of the appeal.

The appeal is admitted on the following questions of law:

1] Whether the finding about employer-

employee relationship recorded by the Commissioner is perverse?

2] Whether the finding that there was accident in the course of employment is perverse?

Shri Upadhye, waives notice on behalf of respondent no.1.

CIVIL APPLICATION CAF NO.1684/2011

Heard.

Interim order confirmed.

Amount deposited in this court shall be invested in fixed deposit as per standing orders.

Civil application stands disposed of.

CIVIL APPLICATION CAF NO.3297/2011

Civil application for withdrawal of amount is rejected, in view of the prima facie case made out by the appellant.

Hearing of the appeal is expedited.

JUDGE

SMP