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ITEM NO.24 COURT NO.3 SECTION XV

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS

Petition(s) for Special Leave to Appeal (Civil) No(s).22725/2013

(From the judgement and order dated 01/04/2013 in First Appeal (St) No.33056/2012 of The HIGH COURT OF BOMBAY)

THE COMMISSIONER BRIHANMUMBAI MAHANAGARP Petitioner(s)

VERSUS

SHEELA BALU GAIKWAD(WIDOW) & ORS Respondent(s)

(With appln(s) for exemption from filing c/c of the impugned Judgment and prayer for interim relief))

Date: 02/08/2013 This Petition was called on for hearing today.

CORAM :
HON'BLE MR. JUSTICE R.M. LODHA
HON'BLE MR. JUSTICE MADAN B. LOKUR

For Petitioner(s) Mr. G.E. Vahanvati, Attorney General
Ms. Jayashree Wad, Adv.
Mr. Ashish Wad, Adv.
Ms. Tamali Wad, Adv.
Ms. Kanika Bhutani, Adv. for
M/S. J.S. Wad & Co.

For Respondent(s)

UPON hearing counsel the Court made the following
O R D E R

Heard Mr. G.E. Vahanvati, learned Attorney General for the petitioner.

The High Court may not be right when it observed that it was duty of the employer to prove by bringing evidence that the workmen was not allowed to attend the duty on his own motor-cycle and that there is no nexus whatsoever between the accident with that of the employment, in which the employer had utterly failed.

However, having regard to the facts of the case and the view taken by the Commissioner of Workmen's Compensation, we are satisfied that this is not a fit case for invocation of our jurisdiction under Article 136 of the Constitution of India.

Special leave petition is dismissed.

Question of law is kept open.

|(Rajesh Dham) | |(Renu Diwan) |
|Court Master | |Court Master |