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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

CIVIL APPLICATION NO. 8831 OF 2014
IN WP/6738/2014

CHANDRAKANT SHANKARRAO BANGAR AND ANOTHER
VERSUS
RAJDEEP BUILDER CONSTRUCTION PRIVATE LTD, AHMEDNAGAR AND
ANOTHER

WITH
WRIT PETITION NO.6738 OF 2014

RAJDEEP BUILDERS PRIVATE LIMITED
VERSUS
CHANDRAKANT SHANKARRAO BANGAR AND OTHERS.

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Advocate for Applicants/ Original Respondent Nos.1 and 2 : Shri
M.A.Deshmukh h/f Mr.Chapalgaonkar S.G.

Advocate for Respondent No.1/ Original Petitioner: Mr.A.D.Ostwal.

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CORAM: RAVINDRA V. GHUGE, J.
DATE :- 28th August, 2015

Per Court:

1 The Applicants are the original Respondent Nos.1 and 2 in the petition. The Respondent No.1/original Petitioner has deposited an amount of Rs.2,15,000/- in this Court by Demand Draft dated 19.08.2014 bearing No.697625.

2 A photostat copy of the said Demand Draft is placed on record and is marked as Exhibit X for identification.

3 While hearing the Civil Application, Shri Ostwal, learned Advocate appearing on behalf of the original Petitioner, submits that the Labour Court by its judgment and order dated 27.08.2012 had allowed Application (WC) No.1/2011 preferred by the Respondents/ Applicants herein. The Labour Court had granted Rs.4,30,560/- as compensation with 12% interest from the date of judgment. As such, the amount of Rs.5,36,632/- has been deposited by the Petitioners before the Labour Court and which has been withdrawn by the Applicants.

4 This statement is confirmed by Shri Deshmukh, learned Advocate appearing for the Applicants.

5 With regard to the aspect of 50% penalty on the amount of compensation granted, by Exhibit X, the Petitioners have deposited the said amount in this Court.

6 Shri Ostwal, therefore, submits on instructions that the Applicants/ Respondents may withdraw the entire amount with accrued interest as it would satisfy the impugned judgment dated 27.08.2012.

7 Shri Deshmukh submits that in the event the said amount of

Rs.2,15,000/- is permitted to be withdrawn, the entire cause of action would come to rest since the judgment of the Labour Court dated 27.08.2012 stands fully satisfied.

8 By recording the statements made by the learned Advocates on instructions, this Writ Petition is disposed of without considering the challenge of the Respondents that the Writ Petition is not maintainable and that the First Appeal would have been maintainable.

9 The amount of Rs.2,15,000/- deposited by the Petitioners in this Court shall be withdrawn by the Applicants/ Respondent Nos.1 and 2 by producing tangible evidence to indicate their identity in the form of Election Identity Card or Aadhar Card. The said amount shall be withdrawn without conditions.

10 In the light of the above, this Writ Petition as well as the Civil Application stand disposed of.

11 Needless to state, the execution proceedings initiated by the Respondents before the competent court do not survive.

(RAVINDRA V. GHUGE, J.)