

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

LETTERS PATENT APPEAL NO. 126 OF 2010
IN
CIVIL APPLICATION NO. 75 OF 2010
IN
WRIT PETITION NO. 1399 OF 2008

Kirloskar Pneumatic Company Ltd. ... Appellant.
V/s.
Kirloskar Pneumatic Kamgar Sangh. ... Respondents.

Kiran S. Bapat with Mahesh Londhe i/b. Sanjay Udeshi & co.
for the appellant.

A.R.Belge with N.A.Kulkarni and Ms.Sangita Deo for the respondent.

**CORAM : NARESH H. PATIL AND
S.B. SHUKRE, JJ.**

DATED : 12th October 2015.

PC.

The learned counsel appearing for the appellant- Kirloskar Pneumatic Company Ltd. and learned counsel for the respondent- Kirloskar Pneumatic Kamgar Sangh have tendered consent terms dated 12th October 2015. These consent terms are signed by the authorized representatives of the contested parties and their respective learned counsel. It runs in four pages. By way of these consent terms it is submitted that the final settlement is reached between the respective parties in respect of six workmen, namely, (i) Mr.Nitin Narayan Kodre; (2) Mr.Kiran Kondiba Belhekar; (3) Mr.Aslam Rajubhai Sanadi; (4) Mr.Shashikant Mahadeo Mathapati; (5) Mr.Appaso Annaso Mane; and (6) Mr.Anil Mahadeo Patole with regard to the subject award passed in

industrial disputes case being Reference (IT) No.35/2003. The appellant company has agreed to pay net sum of Rs.10,60,000/- to these workers. Further details of the settlement are incorporated in the consent terms.

2. It is submitted that against the subject award Writ Petition No.1399/2008 was filed before the learned single Judge and the same is pending. In the said proceeding, earlier, the parties settled dispute in respect of 5 workers. Now the parties have settled the dispute in respect of six workers. The dispute in respect of one worker still remains and is subjudiced before the learned single Judge. According to the present consent terms, the respondent- Kamgar Sangh has agreed that the appellant is entitled to refund of Rs.3,71,015/- deposited by the appellant with the registry at the time of admission of this appeal. It is submitted that this amount was deposited consequent to the order passed by Division Bench of this Court (Coram: Mohit Shah, CJ and S.C.Dharmadhikari, J) dated 30th June 2010 in Civil Application No.154/2010 taken out in this appeal. Learned counsel for the respondent submits that the respondent has no objection for the appellant to withdraw the said amount from the registry of this Court with accrued interest, if any. The Registry shall allow the appellant to withdraw the amount of Rs.3,71,015/- on proper application.

3. Both the learned counsel for the contesting parties pray for disposal of this appeal in terms of consent terms. The consent terms are taken on record and marked "X" for identification. Appeal is disposed of in terms of "consent terms".

(S.B. SHUKRE, J.)

(NARESH H. PATIL, J.)