

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

28 CIVIL APPLICATION NO. 4317 OF 2016
IN FAST/32805/2015

SALIMABEE MAJEED KHAN PATHAN AND OTHERS
VERSUS
VYANKAT MUKUNDRAO GARGE

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Advocate for Applicants : Mr. Kadtu Manoj M
Mr. S V Nattu For R/1

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CORAM : P.R. BORA, J.
Dated: April 04, 2016

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PER COURT :-

- 1) Heard the learned Counsel for the parties.
- 2) Original claimants are seeking withdrawal of the amount deposited by the appellant in this Court in compliance of the Award passed by the Workmen's Compensation Commissioner in WCFA No.28/2012.
- 3) The learned Counsel appearing for the appellant has apposed for withdrawal of any amount by the present applicants stating that the appellant has raised a defence that the deceased was not an employee of the appellant at the relevant time. The learned Counsel submitted that certain other defences have also been raised by the appellant.

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4) After having heard the submissions so made and after having perused the impugned Award, it appears to me that ends of justice can be met if the applicants are permitted to withdraw 50% of the amount deposited by the appellant. Hence, the following order, -

ORDER

a) The applicants are permitted to withdraw 50% of the amount deposited by the appellant in this Court on their furnishing an undertaking that in the event of any adverse order passed against them, they will deposit the amount so withdrawn by them within next two months thereafter. The balance 50% be invested in FDR of any nationalized bank until disposal of the present appeal.

5) The Civil Application stands disposed of.

(P.R. BORA, J.)

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