

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO.10118 OF 2016
(Mr.Abhay Shantilal Mutha Vs. Shivaji Ganpat Berad and others)

Mr.A.D.Ostwal, Advocate for the petitioner.
Mr.B.N.Palve, Advocate for respondent No.1.
Mr.N.T.Bhagat, AGP for respondent Nos. 3 and 4.

(CORAM : RAVINDRA V. GHUGE, J.)

DATE : 29/11/2016

PER COURT :

1. Pursuant to the order dated 19/10/2016, the petitioner has deposited Rs.4,00,000/- before the Tehsil Office, Ahmednagar by cheque No.98643 dtd.15/11/2016.

2. Mr.Palve, learned Advocate for the respondents tenders an affidavit filed on behalf of the respondents stating that the respondent / original claimant is agreeable to accept Rs.4,00,000/-, that have been deposited, the entire amount directed to be paid by way of compensation by the Labour Court vide its judgment dated 30/09/2011 in Application (WC) No.42/2009 would be satisfied, that the respondent No.1 / original claimant has no claims of any nature, whatsoever pending against the petitioner or respondent No.2 and that Respondent No.1 / claimant will therefore not raise any issue or

dispute or claim against any of the original respondents before any Court, authority or forum.

3. The affidavit tendered by respondent No.1 / claimant is taken on record and marked as Exhibit "X" for identification. The petitioner has signed below the said affidavit indicating that he agrees to the contents of Exhibit "X".

4. In the light of the above and Exhibit "X", this petition is partly allowed. The impugned order of the Labour Court shall stand merged in Exhibit "X". The amount of compensation granted by the Labour Court vide judgment dated 30/09/2011 is fully satisfied and respondent No.1 / original claimant shall not have any claim or grievance against the petitioner and respondent No.2 / original respondent. Consequentially, the recovery certificate at issue in Recovery Application No.30/2011 is rendered infructuous.

5. Respondent No.3 Tahsildar shall deposit the amount of Rs.4,00,000/- before the Labour Court at Ahmednagar within 3 (three) weeks from today. Respondent No.1 / original claimant shall seek withdrawal of the said amount by filing an application duly signed and identified by his Advocate alongwith tangible evidence of

his identity in the form of the Election ID Voter Card.

6. In the event there is any provision for depositing the said amount from the Labour Court directly to the bank account of the original claimant, the claimant shall accordingly submit all bank details about his account alongwith a self attested copy of the savings pass book alongwith identity proof, as directed above.

(RAVINDRA V. GHUGE, J.)