

IN THE HIGH COURT OF BOMBAY AT GOA

MISC.CIVIL APPLICATION NO. 492 OF 2015

IN

WRIT PETITION NO. 237 OF 2013

SHRI. GURUDAS S. BORKAR (DECEASED)
THROUGH MRS.GEETA GURUDAS BORKAR. ... Applicant
Versus
THE MANAGER,PUNJAB NATIONAL BANK,
VASCO. ... Respondent

Mr. Vijay A. Palekar, Advocate for the Applicant.
Mr. P. Vengurlekar, Advocate for Respondent No. 1.
Mr. Avalon Alton Carvalho, Advocate for Respondent Nos. 3, 4, 5
and 7.

Coram:- C. V. BHADANG, J.

Date:- 26th September, 2016

P.C:

This is an application for withdrawal of the amount deposited by respondent no. 1. There was a industrial dispute between the now deceased, Gurudas Borkar and respondent no. 1, which was decided by the Central Government Industrial Tribunal in favour of the Workman-Gurudas Borkar. The respondent no. 1 had deposited an amount of Rs.5,00,000/- before this Court on 24.10.2013, in pursuance of the interim order passed by this Court. Writ Petition No. 237/2013 challenging the order of the Industrial Tribunal has been dismissed on 10.07.2014.

2. This application is filed by widow of Gurudas Borkar for withdrawal of the amount. The learned Counsel for respondent no.

1-Employer has no objection for the application being granted. The respondent nos. 2 to 7 are the other legal representatives of Gurudas Borkar, out of whom, respondent nos. 3, 4, 5 and 7 have filed a reply stating that they have no objection for release of the amount. Respondent nos. 2 and 6 are absent, though served. The learned Counsel for respondent no. 1 submits that the judgment of this Court in Writ Petition No. 237/2013 has not been challenged any further.

3. Insofar as the prayer about direction to respondent no. 1 to deposit Rs.1,08,164/-, which according to the petitioner is the balance amount payable to the exception of the award, is concerned, the petitioner will have to file an application for execution of the award, if so advised.

4. For these reasons, the application is allowed in terms of prayer clause 9(a), subject to the condition that the petitioner shall file an undertaking before the learned Registrar (Judicial) of this Court, that she will bring back the amount, if any claim is made by respondent nos. 2 and 6.

C. V. BHADANG, J.

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