

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

**CIVIL APPLICATION NO. 2803 OF 2014
IN
WRIT PETITION NO. 8944 OF 2014**

Shri Ramkrishna Arvind Bapat	...Applicant / Orig.Respondent
VS.	
M/s.Indo-Western Refrigeration Pvt.Ltd.	Respondent/Orig.Petitioner

Mr.A.S. Peerzada for Applicant.
Mr.Shailesh S. Pathak for Petitioner.

CORAM : S.C. GUPTE, J.

19 JULY 2016

P.C. :

The civil application seeks recall of an interim order passed in terms of prayer clause (b) when Rule was issued in the petition. The grievance of the Applicant (original Respondent) is that he could not remain present when the order was passed. He has explained the circumstances in the civil application.

2 The Petitioner (Respondent to the civil application) shall deposit a sum of Rs.1 lakh without prejudice to its rights and contentions in the writ petition within a period of two weeks from today.

3 The Respondent (Applicant to the civil application) shall be entitled to withdraw the amount of Rs.1 lakh deposited in court, as above. Such withdrawal shall be without prejudice to the rights and contentions of all the parties.

4 In the event the Petitioner succeeds in the petition, it will be entitled to adjust the amount of Rs.1 lakh withdrawn by the Respondent in accordance with this order towards dues / terminal benefits, as may be payable by the Petitioner to the Respondent.

5 In the event, after considering such dues, the Respondent is liable to refund the amount withdrawn by him or any part thereof, the Respondent shall bring such amount back into the court.

6 The Respondent wavier notice.

7 Writ Petition No.8944 of 2014 to come up for hearing on 11 August 2016.

8 The interim order passed by the court on 10 November 2014 shall continue to operate during the pendency of the petition subject to the variation recorded above.

9 The civil application is disposed of accordingly.

(S.C. Gupte, J.)