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IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

CIVIL APPLICATION NO.2022 OF 2017

IN

WRIT PETITION NO.868 OF 2009

Shri. Amol P. Bodhe

...Applicant
(Original Respondent)

vs

Chief Executive Officer,
Thane Zilla Parishad, Thane

...Opponent
(Original Petitioner)

.....
Mr. Bhushan C. Joshi, for the Applicant.

.....

CORAM : PRASANNA B. VARALE, J.

DATED: 4 SEPTEMBER, 2017

P.C. :

. By present application, the Applicant, i.e. Respondent in Writ Petition No.868 of 2009, prays for directions to release amount deposited by the Petitioner. Writ Petition was filed by the Chief Executive Officer, Thane Zilla Parishad challenging the order passed by the learned Industrial Court, Thane in Complaint (ULP) No.84 of 2006 dated 21 April 2008. On 24 February 2009, the petition was admitted by this Court and the Petitioner was directed to deposit the amount ordered by Industrial Court in this Court within a period of six weeks. It is submitted that accordingly the amount was deposited in this Court. Learned Counsel submits that by order dated 29 March 2017, at the request of the learned Counsel appearing for the Petitioner, the petition

was allowed to be withdrawn. Learned Counsel submit that as the petition is allowed to be withdrawn, the amount deposited by the Petitioner in this Court in compliance of the order of this Court be directed to be released with interest accrued thereof. Learned Counsel placed on record a communication dated 1 September 2017 issued by the District Health Officer, Zilla Parishad Thane. It is submitted in the communication that the Petitioner Zilla Parishad Thane, is not having any objection for withdrawal of the amount, i.e. an amount of Rs.54,872/- deposited in this Court by way of Cheque No. 019164 dated 21 May 2009. The communication further states that the Applicant/Respondent is not entitled for any interest accrued on the amount deposited. Considering the fact that amount is deposited in this Court in compliance with the order of this Court and the Petitioner sought for withdrawal of the writ petition, accordingly, the Petitioner was permitted to withdraw the petition.

2. The application is allowed. If the amount is deposited in fixed deposits, and if any interest accrued on the amount, the amount be permitted to be withdrawn by the Applicant along with the interest accrued on the amount. Application is disposed of accordingly.

(PRASANNA B. VARALE, J.)