

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

CIVIL APPLICATION NO. 12140 OF 2016 IN FA/3612/2016

RAHUL VITTHALRAO PATHADE
VERSUS
M/S. TEJAS ENGINEERING WORKS, AURANGABAD THR ITS PROP.
VANDANA VAMANRAO DAMDHAR A

...
Advocate for Applicant : Mr. S. R. Bodade.
Advocate for Respondent No.1 : Mr. S. P. Katneshwarkar.
Advocate for Respondent No.2 : Mr. S. G. Chapalgaonkar.
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CORAM : K.K. SONAWANE, J.

DATED : 26th JUNE, 2018.

Order :-

1. Heard learned counsel for applicant.
2. It has been submitted that by considering the disability, the learned Commissioner passed the Award and directed the respondent No.1 to disburse the 50 % penalty amount i.e. Rs.4,71,285/- (Rs. Four Lakhs Seventy One Thousands Two Hundreds Eighty Five Only). There were endeavour on the part of original claimant seeking permission to withdraw rest of the amount of 50 % penalty deposited in this Court. But, this Court under Order dated 3rd March, 2017 found reluctant for withdrawal of 50 % penalty amount deposited in this court by the applicant/claimant. It was directed that the application for withdrawal of the amount was to be heard alongwith final hearing of the appeal on merit.
3. In such circumstances, there is no propriety to keep the matter alive on board. Accordingly, application for stay stands disposed of.

**[K. K. SONAWANE]
JUDGE**