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IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

CIVIL APPLICATION NO. 7649 OF 2018
IN
WRIT PETITION NO.10494 OF 2010

Anita Anil Potdar and Others

APPLICANTS

VERSUS

Osmanabad District Central Co-operative
Bank Limited

RESPONDENT

.....

Mr. G. N. Kulkarni (Mardikar), Advocate for the applicants
Mr. P. L. Shahane, Advocate for the respondent

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[CORAM : SUNIL P. DESHMUKH, J.]
DATE : 20th JULY, 2018

ORDER :

1. Heard learned advocates for the parties.
2. This civil application has been moved by legal heirs of deceased respondent in writ petition, who had been employee of writ petitioner. In revision preferred by the writ petitioner, amount of back wages had been reduced to 50% from the one that had been granted by the court at first instance. In writ petition while passing order, it appears, this court had directed reinstatement of deceased respondent and had granted interim relief in the form of stay to the execution on the condition of depositing 50% of the amount granted by revisional court.

3. Thus, the applicants have moved this application seeking withdrawal of amount deposited by the writ petitioner.

4. Learned advocate for the respondent, however, finds it difficult to accede to the request made under the civil application stating that the writ petition carries substance and in all likelihood it may be decided in favour of the petitioner.

5. However, having regard to aforesaid, it appears that the ends of justice can be met with by allowing the civil application on certain conditions.

6. As such, the civil application is granted in terms of prayer clause "B" on the condition that applicants shall file undertaking in this court to the effect that in case decision in writ petition going adverse to their interest, they would deposit the amount so withdrawn within a period eight weeks from such decision.

7. Applicant No. 1 may be able to collect instruments disbursing the amounts to individual applicant indemnifying them.

8. Civil application stands disposed of.

[SUNIL P. DESHMUKH, J.]