

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

CIVIL APPLICATION NO.711 OF 2018

IN

WRIT PETITION NO.10109 OF 2017

Revji R. Vishvasrao

.. Applicant

In the matter between

The Kolhapur Municipal Transport

.. Petitioner

Vs.

Revji R. Vishvasrao

.. Respondent

Mr. S. A. Rajeshirke for the applicant.

Mr. Aniket Nikam a/w Aashish Satpute for the respondent.

Mr. Sanjay Inamdar, Labour Officer (Incharge)-present.

CORAM : A.K. MENON, J.

DATED : 25TH APRIL, 2018.

P.C. :

1. By this civil application, the applicant-original respondent seeks permission to withdraw a sum of Rs.96,200/- being the amount of retiral benefits deposited in this Court pursuant to an order dated 19th September, 2017. The writ petition has been disposed. Pursuant to the said order interim protection was granted in terms of prayer clause (C-1) on condition of deposit. Thereafter vide order dated 23rd November, 2017 the writ petition was finally heard and disposed of confirming the impugned orders and directing payment of costs quantified at Rs.25,000/-.

2. By this civil application, the respondent-applicant seeks withdrawal of the amount of Rs.96,200/- deposited in this Court and the amount of costs which Mr. Nikam who appears for the petitioner-respondent in this petition says was deposited on 27th March, 2017 in this Court.
3. In reply to the civil application filed by one Sanjay Inamdar, he has objected to withdrawal of the amount because the order dated 19th September, 2017 did not grant liberty or permission to withdraw the said amount. The amount was ordered to be deposited to secure the respondent's claim and it is precisely for seeking permission to withdraw that this Civil Application is taken out. There is no reason to deny permission to withdraw the amount deposited and interest thereon if any along with amount of costs. In the circumstances, I pass the following order:-
 - (i) Accordingly the civil application is allowed in terms of prayer clauses (a) and (b).
 - (ii) The applicant-original petitioner will also be entitled to withdraw the amount of Rs.25,000/- deposited as costs pursuant to order dated 25th November, 2017.
 - (iii) Civil application is accordingly disposed of on the above terms.

(A.K. MENON,J.)