

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
CIVIL APPLICATION NO. 1424 OF 2018
IN
CIVIL WRIT PETITION NO. 13738 OF 2016

Mrs. Shraddha Mayuresh Mokul. ..Applicant.

In the matter between:

M/s. Kilitch Health Care LLP & anr. ..Petitioners.

V/s.

Mrs. Shraddha Mayuresh Mokul & anr. ..Respondents.

Ms. Sanjukta Dey, advocate for applicant.

None for respondent.

CORAM : SMT. SADHANA S. JADHAV,J.

DATE : SEPTEMBER 19, 2018.

P. C. :

1 None appears for the respondent although served. The petition is of the year 2016 and the petition is admitted. During the pendency of the petition, the respondent i.e. the present applicant is seeking relief of withdrawing the amount of Rs. 86,148/- + Rs. 3,500/- which is deposited in this Court towards the dues of maternity benefits. The amount of Rs. 86,148/- + Rs. 3,500/- was directed to be deposited in this Court by this Court vide order dated 19/1/2017. The Hon'ble Court in its order has observed as follows :

3 The Appeal filed by the Petitioners against the order dated 15-12-2015 passed by the Government Labour Officer and the Competent Authority under the Maternity Benefit Act, 1961, is taken exception to by way of the above

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Petition. By the said order dated 15-12-2015, the Respondent No.1 herein was directed to be given maternity benefit to the tune of Rs.86,148/-. The said order has been confirmed by the Appellate Authority. It is the contention of the Learned Counsel for the Petitioners Mr. Rane that the Employees wherein the Respondent No.1 was working being less than 10, the act was not applicable. The said contention has been rejected by the First Authority which order has been confirmed by the Appellate Authority.

2 The learned Counsel for the applicant submits that the applicant be allowed to withdraw the said amount subject to the results of this Writ petition, imposing any terms and conditions. Considering the prayers in the petition, the application deserves to be allowed on certain conditions.

3 The application is allowed. The applicant is allowed to withdraw the amount of Rs. 86,148/- + Rs. 3,500/- on furnishing a bank guarantee of any nationalised bank to this court. It is made clear to the applicant that in the eventuality the petitioners succeed in the writ petition, the applicant would be liable to pay interests on the amount, which is withdrawn from the date of withdrawal.

4 The application is disposed of accordingly.

[SMT. SADHANA S. JADHAV, J.]

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