

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
CIVIL APPLICATION NO. 1983 OF 2018
IN
CIVIL WRIT PETITION NO. 5106 OF 2000

The Chairman, M/s. King Air

Ways Ltd.,

..Applicant.

V/s.

Capt. S.K. Singh & anr.

..Respondents.

Ms. Megha Chandra I/b. Mr. Sachin Chowdhari, advocate for applicant.

Mr. D.P. Singh, advocate for respondent No. 1.

CORAM : SMT. SADHANA S. JADHAV,J.

DATE : OCTOBER 9, 2018.

P. C. :

1 On 4/10/2018 learned Counsel for the respondents had sought time to take instructions as to whether the order dated 26/12/2017 has been challenged before any other court. It was informed to the Court that the respondent happens to be a frequent traveller and therefore, he could not be approached. On 12/9/2018 learned Counsel Mr. Amogh Singh had appeared in the matter and had sought time to take instructions. Thereafter, none appeared for the respondent on 4/10/2018 and today, once again time is being sought to take instructions as to whether the order has been challenged. Therefore, this Court would refuse to give an adjournment on this ground.

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2 It is submitted on behalf of the respondent that so far it has not been challenged, but they want to seek instructions as to whether the said order dated 26/12/2017 has been challenged. In any case, the challenge would be beyond limitation, as the dispute was under section 33(C)(2) of the Industrial Dispute Act and the learned Labour Court No.2 has assigned justifiable reasons for passing the said order. It is in view of this, the applicant is seeking withdrawal of the amount, which was deposited in this court deserves to be allowed.

3 The learned Counsel for the applicant submits that in fact, the petition was admitted in September, 2000 and interim reliefs were granted subject to the condition that Rs. 5 Lakhs be deposited. The said order also has attained finality. The respondent has complied with the said order and has deposited Rs. 5 Lakhs in this Court and thereafter, interim relief continued in favour of the applicant.

4 Although the order was passed that the amount be deposited in the Labour court, learned Counsel for the applicant upon enquiries with the Central Government Labour Court, Mumbai has submitted that there exists no bank account in which the Central Government Labour Court would accept the deposit of money and therefore, the money deposit pursuant to the order dated 25/9/2000 remained in the custody of the registry of this court. Amendment is taken on record and shall be read with Civil Application.

5 By an order dated 20th August, 2015 this Court had remanded the matter to the Labour Court for an appropriate adjudication in the said issue and in pursuance of the said order, the labour court No. 2 had passed an order on 26/12/2017.

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6 It is in these circumstances that the application deserves to be allowed in terms of prayer clause (a) on the following terms and conditions:

(i) The applicant herein is allowed to withdraw the sum of Rs. 5 Lakhs with accumulated interest subject to the condition that he furnishes indemnity bond and two solvent sureties in the like amount.

7 The application stands disposed of accordingly.

[SMT. SADHANA S. JADHAV, J.]