

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION

WRIT PETITION NO.1086 OF 2018

Design Office Architects Pvt. Ltd.

...Petitioner

vs.

Manali A. Pawar

...Respondent

Mr. Arshand Shaikh a/w. Mr. Prashant Goyal, for the Petitioner
Ms. Sneha Phene i/b. Gireesh U G Menon, for Respondent

**CORAM : SHANTANU KEMKAR &
N. W. SAMBRE, JJ.**

DATE : JUNE 29, 2018

P.C.:

. Parties through their counsel.

2. The learned counsel for the Respondent raised a preliminary objection that against the impugned order, an appeal would lie under Section 17 of the Maternity Benefit Act, 1961 (in short "the Act"). Facing with the situation, learned counsel for the Petitioner seeks leave to withdraw the Petition with liberty to the Petitioner to challenge the order impugned in this Petition before the Appellate Authority by invoking provision of Section 17 of the Act.

3. Having regard to the aforesaid, we permit the Petitioner to withdraw the Petition with liberty to challenge the said order

before the Appellate Authority.

4. We find that the Petitioner was prosecuting the Petition under the belief that there is no remedy of appeal available under the Act. In the circumstances, we observe that in case the Petitioner files the appeal within 10 days from today, the same shall not be dismissed by the Appellate Authority on the ground of limitation and the Appellate Authority shall examine and decide it on its own merits, as expeditiously as possible.

5. In case the Petitioner deposits the amount which has been adjudicated by the Controlling Authority within 10 days, no coercive steps be taken against the Petitioner for recovery of the amount by the Appellate Authority.

6. All contentions are kept open.

(N.W. SAMBRE, J.)

(SHANTANU KEMKAR, J.)