

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

CIVIL APPLICATION NO. 8504 OF 2019
IN
WRIT PETITION NO. 11783 OF 2018

Karuna Prakash Dakore and Others ..APPLICANTS

VERSUS

Bajaj Auto Limited ..RESPONDENT

....
Mr. B.R. Kawre, Advocate for applicants
Mr. L.B. Deshmukh, Advocate for respondent
....

CORAM : R.G. AVACHAT, J.
DATED : 13th SEPTEMBER, 2019

PER COURT :

This application has been preferred with following two main prayers :-

“(b) The Names of the Applicants may be taken on record as legal heirs and successor of the Original Respondent.

(c) the applicants may be permitted to withdraw the deposited amount of compensation Rs.100000/- (Rupees one Lakhs only) with accrued interest if any.”

2. Writ Petition No. 11783 of 2018 has been filed by present respondent, taking exception to the award passed by Labour Court on 30th June, 2018. The award has been passed in favour of the respondent in writ petition. The said respondent passed away on 20th July, 2018. Applicant

No.1 is the widow of deceased respondent, while Applicant Nos. 2 to 4 are his minor children. Applicants need to be brought on record as legal representatives of deceased respondent. Sum of Rs.1,00,000/- has been deposited by petitioner, subject to the decision in writ petition. The applicants claimed that the amount was due towards salary of deceased respondent. They required the amount for their day-to-day needs.

3. Learned Counsel for the respondent resisted the application.

4. The record indicates that in the similar matters, order has been passed allowing withdrawal of amount. Take for instance order dated 02nd May, 2019 passed in Civil Application No. 4828 of 2019 in Writ Petition No. 11750 of 2018.

5. In view of above, application is allowed. Applicants be brought on record as legal representatives of deceased respondent in writ petition. Applicant No.2 is near the age of majority. Sum of Rs.50,000/- (Rupees Fifty Thousand) be paid to Applicant Nos. 1 and 2 equally. Remaining sum of Rs.50,000/- (Rupees Fifty Thousand) be deposited with any of the nationalized bank in the name of Applicant Nos. 3 and 4, until they attain the age of majority. Applicant No.1 shall furnish solvent surety in the sum of Rs.50,000/-. Applicant No.1 shall also furnish an undertaking to the effect

that in the event writ petition is allowed, she will redeposit the amount, if so directed, within eight weeks from such direction. Civil application stands disposed of in above terms.

(R.G. AVACHAT, J.)

SSD