

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

**CIVIL APPLICATION NO.268 OF 2019
IN
CIVIL APPLICATION NO.1280 OF 2019
IN
FIRST APPEAL NO.1781 OF 2008
ALONG WITH
FIRST APPEAL NO.1781 OF 2008**

Kamaldeo Prasad .. Applicant

In the matter between

M/s.Mahesh Forge .. Appellant

Vs.

Kamaldeo Prasad .. Respondent

Mr.C.M. Kothari for the applicant.

Mr.M.S. Topkar for the respondent.

CORAM : R.D.DHANUKA, J.

DATE : 14th November 2019

P.C.:

. Learned counsel for the appellant states the appellant has already preferred review application being Application No.1 of 2019 against the order dated 26th April 2019 before this Court and the same is still pending.

2. The matter was heard at length. Learned counsel for the respondent states that if this Court proposes to permit the applicant to withdraw any further amount, the applicant shall be directed to furnish an undertaking before this Court that if the applicant fails in the first

appeal, the applicant would return the said amount with interest at such rate as this Court may direct. Statement is accepted.

3. The applicant is permitted to withdraw a sum of Rs.1 lakh out of the amount deposited by the respondent before the Labour Court on furnishing an undertaking before this Court to the effect that if the applicant does not succeed in the first appeal, the applicant would return the said amount with interest at such rate as this Court may direct. Such undertaking shall be furnished within two weeks from today.

4. If such undertaking is not filed within two weeks from today, the amount deposited by the respondent shall be invested in fixed deposit of a nationalized bank initially for a period of two years and thereafter for like period after obtaining further orders from the Court depending upon the pendency of the first appeal.

5. If any further amount is required to be deposited in the application for review filed by the respondent which is pending before this Court, the respondent shall deposit the balance amount.

6. The appellant is directed to file private paper book within two weeks from today and shall serve a copy thereof upon the respondent's advocate simultaneously. It is made clear that no further

extension of time would be granted to file private paper book.

7. Civil application is disposed of on aforesaid terms. No order as to costs.

8. Office is directed to place the matter on board for 'final hearing' in the list of High Court Expedited Matters in the week commencing from 13th January 2020. Parties as well as the Labour Court to act on the authenticated copy of this order.

R.D.DHANUKA, J.