

THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

CIVIL APPLICATION NO.1280/2019.

in

FIRST APPEAL NO.1781/2008

Office Notes, Office Memoranda of Coram, appearances, Court's orders or directions and Registrar's orders	Court's or Judge's orders.
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Mr.C.M.Kothari,counsel for applicant.

Mr.M.S.Topkar,counsel for respondent.

CORAM : K.K.TATED, J.

DATED : APRIL 26, 2019

P.C.

1. Heard learned counsel for the parties.
2. By this civil application applicant/claimant, seek direction against appellant to deposit remaining awarded amount in Court and also permit the applicant to withdraw the same.

3. Learned counsel for the applicant submits that in the present proceeding Labour Court, Kolhapur in W.C.No.5/C-3/2005 held that the appellants are liable to pay the compensation of Rs.3,20,355/- with 12% interest from 6.11.2004 till date of payment and also Rs.1,60,178/-being the penalty. He submits that in the present proceeding, total amount of compensation alongwith interest and penalty comes to Rs.6,46,914/- whereas appellant deposited only Rs.3,20,555/-. Hence, the appellant may be directed to deposit remaining amount alongwith the interest in the office of Labour Court, Kolhapur immediately.

4. The learned counsel for the applicant submits that the applicant may be permitted to withdraw the said additional amount without furnishing any security.

5. Learned counsel Mr.M.S.Topkar

appearing on behalf of appellant submits that, they are ready to deposit the remaining amount in Labour Court, Kolhapur on or before 29.06.2019. Statement accepted.

6. Learned counsel for the appellant submits that in the present proceeding, this Court (Coram: D.G.Karnik) by order dated 11.11.2008 in Civil Application no.4661/2008 after hearing both sides, held that, the applicant can withdraw only sum of Rs.2,25,000/-. In view of earlier order dated 11.11.2008, there is no question of permitting the applicant to withdraw any further amount, even if deposited by appellant in the trial court.

7. I heard both the sides at length. Learned counsel for the appellant firmly accepted that they are ready to deposit the remaining amount in trial court on or before 29.4.2019.

8. In respect of permitting the applicant to withdraw further amount can not be considered at this stage because earlier Order dated 11.11.2008 was passed by this Court in Civil Application No.4661/2008 and which is intact till today. Considering this fact, following order is passed.

a) Appellant Mahesh Forge is directed to deposit remaining awarded amount as per order of the Labour Court alongwith interest in the trial court on or before 29.6.2019 failing which First Appeal No1781/2008 shall stand dismissed without referring back to this Court.

b)Prayer made by applicant for withdrawal of amount stands rejected.

c) Labour Court is directed to invest the amount if deposited by the appellant, in Fixed Deposit account of any Nationalized Bank initially for a period of one year and same to be continued till further orders.

- d) Appellant is directed to file private paper book on or before 29.6.2019 with copy to other side.
- e) Hearing of First Appeal No. 1781/2008 is expedited.
- f) Liberty granted to parties to move for fixing early date of hearing once the paper book filed.
- g) Civil Application is disposed of.

(K.K.TATED,J.)