

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

**INTERIM APPLICATION NO.1 OF 2019
IN
WRIT PETITION NO.537 OF 2016**

Seema Kanse ... Applicant

In the matter between :

Shardashram Vidyamandir

And Another

... Petitioners

Versus

Seema Kanse

And Another

... Respondents

.....

Ms. Suyoga Rajguru i/b Vidhii Partners for the Petitioners.

Mr. Yashodhan Divekar a/w Mr. Yash Kataria & Mr. Prathamesh Divekar i/b Divekar & Co. for Respondent No.1.

Mr. Kedar Dighe, AGP for Respondent No.2.

.....

CORAM : S.C. GUPTE, J.

DATE : 9 MARCH 2020

P.C. :

. This Interim Application has been taken out for withdrawal of the amount lying in this court. This petition is a challenge by the school management *inter alia* against an order of reinstatement and back wages for the Applicant herein. When Rule was issued, the Petitioner management was asked to deposit back wages. Pursuant to

the order, the Petitioner deposited back wages in the sum of Rs. 11,84,855/-. Thereafter, the Applicant herein took out a notice of motion and prayed for an order permitting her to withdraw the amount of back wages deposited by the school management. This court, by its order dated 8 October 2018, permitted the Applicant herein to withdraw a sum of Rs.5,00,000/- against bank guarantee and remainder amount, against furnishing an indemnity bond and two or more solvent sureties in the like amount. This court made it clear that such withdrawal would be subject to the result of the present petition. The present Interim Application has been taken out by the Applicant for withdrawal of the amount of interest which has since accrued on the original deposit of Rs.11,84,855/- after the amount was invested by the Prothonotary and Senior Master. The order of back wages was passed on 26 April 2016; the amount of back wages was deposited on 10 June 2016; and this amount was allowed to be withdrawn by this court by its order dated 8 October 2018. There is no reason why the Applicant should be denied interest on the amount as between 10 June 2016 and the date of withdrawal, pursuant to the order of 8 October 2018. Accordingly, subject to the Applicant furnishing an indemnity bond for a sum of Rs.2,42,100/- and two or more solvent securities in the like amount, the Prothonotary and Senior Master, shall permit the Applicant to withdraw the accrued interest of Rs.2,42,100/-. The Interim Application is disposed of.

(S.C. GUPTE, J.)

Rajesh V.
Chittewan

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by Rajesh V.
Chittewan
Date: 2020.03.12
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