

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

WRIT PETITION NO. 8076 OF 2011

Gulabchand Gukhha & Anr.	...Petitioners
vs.	
Umashankar R. Maurya & Anr.	...Respondents

WITH
CONTEMPT PETITION NO. 226 OF 2016

High Court on it own Motion	...Petitioner
vs.	
Gulabchand Gudka & Anr.	...Respondents

WITH
CIVIL APPLICATION NO. 85 OF 2017
IN
CONTEMPT PETITION NO. 226 OF 2016

Shri Umashankar R. Maurya	...Applicant
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In the matter between

High Court on it own Motion	...Petitioner
vs.	
Shri Gulabchand Gudhka & Anr.	...Respondents

WITH
WRIT PETITION NO. 2022 OF 2007

M/s.Gulabchand Gudka & Anr.	...Petitioners
vs.	
Shri Ramshankar Mourya	...Respondent

Mr.Y.M. Pendse for Petitioners in WP 8076/2011 and Respondent No.2 in Contempt Petition No.226/2016.

Mr.Amol Mhatre for Respondent No.1 in WP 8076/2011 and Applicant in Civil Application No.85 of 2017 and for Respondent in WP 2022/2007.

Ms.Vaishali Nimbalkar, AGP for Respondent No.2 in WP 8076/2011.

CORAM : S.C. GUPTE, J.

DATE : 29 JANUARY 2020

P.C. :

This writ petition and the companion contempt petition concern an award passed by the Labour Court at Thane in favour of the Respondents to the writ petition. The contempt notice was issued by this court on its own motion against the original Petitioners for not having deposited amounts in court in accordance with the orders passed. It is not in dispute that during the pendency of these matters, a total sum of Rs.14.25 lakhs, which covers the original amount ordered to be deposited, has been deposited by the Petitioners. The Petitioners also agree that they have no objection to this amount being withdrawn by the original Respondents to the writ petition.

2 Mr.Pendse, learned Counsel appearing for the Petitioners, submits that the accrued interest on this amount may, however, be paid to his clients. Since it was the Respondents, who were entitled to this amount, and that position is not being contested by the Writ Petitioners, the interest deserves to be paid to the Respondents. If these amounts are allowed to be withdrawn by the original Respondents, learned Counsel for the Respondents does not press for any order on the contempt petition. Learned Counsel also states that he will not pursue his other pending applications before the Labour and Industrial Court at Thane.

3 In the premises, the apology tendered by the Writ Petitioners is accepted and the contempt petition is disposed of by discharging the contempt notice. The Respondents to the writ petition shall be permitted to

withdraw the amounts deposited by the Petitioners in this court. The Registry to do the needful on an authenticated copy of this order. Respondent No.1 in Writ Petition No.8076 of 2011 may be permitted to withdraw the entire amount on behalf of himself and his brother, who is the Respondent in another writ petition, Writ Petition No.2022 of 2007.

4 Writ Petition No.2022 of 2007, which is not on board, is mentioned and taken on board, and called out by consent. Writ Petition No.2022 of 2007 and Writ Petition No.8076 of 2011 are disposed of with no orders. The statement of learned Counsel for both the Respondents, i.e. Respondents in both writ petitions, that the pending proceedings before the Labour and Industrial Court at Thane shall be withdrawn, as noted, is accepted.

5 The civil application for intervening in contempt petition is also disposed of.

(S.C. GUPTE, J.)