IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

CIVIL APPLICATION NO.808 OF 2018
IN
FIRST APPEAL NO.228 OF 2009

Tausif Salim Mujawar .. Applicant

In the matter between

Shri S.B. Engineers, through its partners
Shailesh Shankar Satpute & Anr. .. Appellants
Vs.
Tausif Salim Mujawar .. Respondent

Mr.Gajanan M. Savagave for the applicant.
Ms.Pavitra Manehs i/by Mr.M.S. Topkar for the appellants.

CORAM : R.D.DHANUKA, J.
DATE : 18th February 2020

P.C.:

. The applicant seeks withdrawal of the interest accrued on the amount deposited by the appellant.

2. Heard learned counsel for the parties. By an order dated 19th March 2010 passed by this Court, the applicant was allowed to withdraw only an amount of Rs.80,811/- without prejudice to the rights and contentions of both the parties in this First Appeal. The appellant has deposited an amount of Rs.1,73,387/- in the month of May 2009.

3. The reasons for seeking withdrawal of the amount are recorded in paragraphs 7 & 8 of the civil application and are accepted.

4. The applicant (original claimants) is permitted to withdraw interest amount on the amount deposited by the appellant with the Commissioner for Workmen's Compensation and Labour Court, Kolhapur in WC Application No.79/C-12/2002 from the date of deposit till date, at this stage, upon furnishing an undertaking before concerned Trial Court within four weeks from today to the effect that if he does not succeed in this first appeal, he would return the amount that would be withdrawn with interest at such rate as this Court may direct by subsequent order. Copy of the undertaking shall be served upon the learned advocate appearing for the appellant within one week from the date of filing such undertaking. Amount would be withdrawn only after filing such undertaking.

5. It is made clear that if the undertaking is not furnished within four weeks from today, the order passed by this Court allowing the applicant to withdraw interest amount on the amount deposited by the appellant to stand vacated without further reference to the Court. In that event, the concerned Trial Court shall invest the said amount in fixed deposit of a nationalized bank initially for a period of one year and thereafter for like period depending upon the pendency of the First Appeal.

6. The concerned Trial Court is directed to invest the balance

50% of the amount in a fixed deposit of a nationalized bank initially for a period of one year and thereafter for like period depending upon the pendency of the First Appeal.

7. The applicant would also be entitled to withdraw interest on the said Fixed Deposit once in a year on 15th of December of each year during the pendency of this First Appeal.

8. Civil application is disposed of on aforesaid terms. No order as to costs. Parties as well as the concerned Trial Court to act on the authenticated copy of this order.

R.D.DHANUKA, J.