

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

CIVIL APPLICATION NO.1795/2021

IN

WRIT PETITION NO.9321/2021

MANOHAR VALJENATH GAWALI AND ANOTHER
VERSUS
THE METCON INDIA ENGINEERS AND CONTRACTORS THROUGH ITS
MANAGER AND AUTHORIZED SIGNATORY AND OTHERS

...

Advocate for Applicants : Suryawanshi Surendra V.
Adv S.S Rathi for Petitioner In WP
Adv Dankh Sachin V. for R. No 1 and 3
Adv. D.B.Pokale h/f S.S.Choudhari for R.4.

...

CORAM : MANGESH S. PATIL,J.
DATE : 27/08/2021

PER COURT :

Heard.

2] Issue notice to the respondents returnable within 5 weeks. The learned Advocate Mr.Dankh waives service for respondent nos.1 and 3 and Mr.Pokale,Adv. waives service for respondent no.4.

3] The respondent nos.1 and 3 from the petition have filed this application styling it to be an application in disposed of Writ Petition No.11096/2015 which was allowed and disposed of by the order dated 14/12/2018 thereby remanding the matter to the labour Court for decision afresh. However, simultaneously this Court had permitted them (respondent nos.1 and 3) to withdraw the amounts deposited in this Court.

4] It appears that since after remand, again the petitioners did not contest the proceedings before the labour Court which has been decided *ex parte* against them and that judgment and order is under challenge in Writ Petition No.9321/2020. By way of this Application now the respondent nos.1 and 3 from the Writ Petition are soliciting a similar order allowing them to withdraw the amount.

5] Considering the fact that the respondent nos.1 and 3 have been made to contest the Writ Petition once again due to the default of the petitioners to contest the proceeding, it would be just and proper to allow the remainder of the money which stands deposited in the labour Court to be withdrawn.

6] The Application is allowed. The respondent nos. 1 and 3 are allowed to withdraw remaining 50% amount of their share each with interest accrued, subject to the condition that they furnish usual security for 50% of the amount each one of them would be receiving and furnish a bank guarantee for the balance 50% of share of each. The execution of the order impugned in the Writ Petition shall stand stayed till decision of the Writ Petition.

(MANGESH S. PATIL,J.)

umg/