

IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
BENCH AT AURANGABAD.

910 CIVIL APPLICATION NO.6763 OF 2022
IN FA/459/2022

JYOTI W/O SANTOSH PAWAR AND OTHERS
VERSUS
ARCHAEOLOGICAL SURVEY OF INDIA CONSERVATION AND
ASSISTANT, AURANGABAD

...
Advocate for Applicants : Mr. M. M. Parghane, h/f Mr. Rahul M. Biniwale.
Advocate for Respondent : Mr. M. A. Golegaonkar.
...

CORAM : **SHRIKANT D. KULKARNI, J.**

DATE : 05th May, 2022.

P.C.:

. It is an application for withdrawal of compensation amount moved by the applicants.

2 Heard Mr. Parghane, holding for Mr. Biniwale, learned counsel for the applicants and Mr. Golegaonkar, learned counsel for respondent/appellant. Perused the order passed by the Labour Court No.2, Aurangabad.

3 It is revealed during the course of argument that the Labour Court No.2, Aurangabad was pleased to allow the claim and awarded compensation at Rs.7,68,560/- and also directed to pay interest at the rate of 12% per annum. It was an *ex-parte* order and that has been challenged before this court and by considering that aspect, this Court

was pleased to grant stay to the operation and execution of the impugned order vide order dated 21st February, 2022 till final decision of appeal.

4 Mr. Golegaonkar, learned counsel for appellant strongly opposed to allow this application. He submitted that the relationship between the parties as employee and employer is disputed and therefore, the applicants/claimants may not be allowed to withdraw any amount of compensation. Whereas, the learned counsel for applicants/claimants submitted that the matter was decided *ex-parte* even after service of notice. It was not the fault of the claimants. They have lost earning member of the family. He, therefore, urged to allow this application.

5 Having regard to the submissions of the learned counsel for both the sides and looking to the facts of the case, I am convinced to allow the applicants to withdraw 50% of the amount of compensation with accrued interest thereon, which would meet the ends of justice. Hence, the following order is passed:

ORDER

- I. The application is hereby allowed as under:
- II. The applicants/claimants are hereby permitted to withdraw 50% of the amount of compensation with

accrued interest thereon on furnishing usual undertaking with the Registrar (Judicial) of this Court.

III. Remaining 50% of the compensation amount with accrued interest thereon shall be invested in fixed deposit account in any Nationalized Bank initially for a period of one year with renewal clause.

IV. The application is accordingly disposed of.

[SHRIKANT D. KULKARNI, J.]

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