

Sharayu Khot.

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

INTERIM APPLICATION NO.3077 OF 2020

IN

FIRST APPEAL NO.1613 OF 2016

Smt. Bebi Miraso Mulla & Ors.

...Applicants

In the matter between

Shri Ashok Pandurang Sutar & Anr.

...Appellants

Versus

Smt. Bebi Miraso Mulla & Ors.

...Respondents

Mr. Om Latpate with Kanchan Phatak i/b. Sarwadnya Kadtane for the
Applicant / Respondent Nos.1 to 4.

Ashok M. Misal for Appellants.

Mr. Kuldeep U. Nikam for Respondent No. 5.

Mrs. Anjali R. Shiledar Baxi for Respondent No.6.

CORAM : R.I. CHAGLA J

DATE : 05 December 2022

ORDER :

1. By this Interim Application, the Applicants are seeking
permission to withdraw the amount deposited in the Labour Court,
Sangli by the Appellants pursuant to order dated 27th June 2016

passed by the Labour Court, Sangli in Application (ECA) No. 15/B-3/2010.

2. The Appellants have pursuant to the order dated 23rd January 2018 deposited the amount of Rs. 4,30,664/- with the Labour Court, Sangli and there is a receipt of acknowledgment of the Clerk of the Labour Court, Sangli dated 29th February 2016, which was taken on record and marked "X" for identification. In view of the undertaking to deposit made, *ad-interim* stay was granted to the operation and execution of the impugned judgment and order.

3. In this Application, the Applicants have stated that the Applicant No. 1 is the mother of the deceased and the Applicant No. 2 is the father of the deceased. Applicant Nos. 3 and 4 are the sons of the deceased. The deceased was in employment with the Appellant, when he died whilst working with the Appellant on centring work due to electric shock from electric line of M.S.E.B.

4. The Applicants have stated that the deceased was the only bread earner in the family and after the death of the deceased, their family is suffering from financial crunches. The Applicant No. 2

being father of the deceased, who was 65 years at the time of incident is now suffering from various ailments due to old age. Applicant Nos. 3 and 4 are minors at the time of incident. Responsibility to take care of the family came on the Applicant No. 2 i.e. mother of the deceased. She is also of advanced age and suffering from various ailments. A case is also made out for incurring of expenses on the Applicant Nos. 3 and 4's education. Accordingly, the Applicants have stated that they are in tremendous financial deficiency and in dire need for withdrawal of the amount deposited by the Appellant in the Labour Court, Sangli.

5. Having considered the averments in the Interim Application as well as taking note of the fact that the Applicants, were relying on the deceased, who was the sole bread earner of the family. Further, the deceased had died whilst working with the Appellants on centring work due to electric shock from electric line of M.S.E.B. Since the demise of the deceased, the Applicants are suffering from financial hardship. The Applicants have thus, made out a case for withdrawal of 70% of the amount deposited by the Appellants with the Labour Court, Sangli. Accordingly, following order is passed.:-

- (i) The Applicants are permitted to withdraw 70% of the amount deposited by the Appellant with the Labour Court, Sangli together with proportionate interest, subject to giving an undertaking against disbursement that if the Appellants succeed in the First Appeal, the Applicants herein shall return the amount with interest at such rate as determined by this Court.

- (ii) If 70% is withdrawn by the Applicants, balance amount shall be invested by the Labour Court, Sangli in a nationalised bank.

- (iii) Interim Application is accordingly, disposed of.

[R.I. CHAGLA J.]