

R.M. AMBERKAR
(Private Secretary)

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

INTERIM APPLICATION NO. 3555 OF 2023
IN
WRIT PETITION NO. 4347 OF 2001

M/s. Cravetex Ltd

.. Applicant

Versus

Kalu N. Shelar & Ors.

.. Respondents

- Mr. B. Gopalkrishnan a/w Mr. Nilesh S. Ghadge for Petitioner

CORAM : MILIND N. JADHAV, J.

DATE : NOVEMBER 07, 2023

P.C.:

1. Heard Mr. Gopalkrishnan, learned Advocate for Petitioner.
2. By filing the present Interim Application, Applicant seeks a direction to permit withdrawal of the amount deposited with the Registry of this Court along with accrued interest thereon in terms of paragraph No. 5(g) of the order dated 14.06.2018 passed in Writ Petition Nos. 4347 of 2001 and 4356 of 2001. With the assistance of Mr. Gopalkrishnan, I have perused the order dated 14.06.2018 and for the sake of convenience, I am reproducing paragraph No. 5(g) of the said order which reads thus:-

“(g) The amount deposited in Court by the Petitioner together with accrued interest shall be retained / continued to be retained in Fixed Deposits for a period of one year from today. In case the Respondents / their heirs and legal representatives do not apply to the Registry for withdrawal of the amounts in this period of one year, the Petitioner will be entitled to take away the amounts with accrued interest as on the date of such application against its undertaking to pay the amount to the Respondents / their heirs

and legal representatives, as may be determined by them in accordance with this order in future.”

3. It is seen that the Court permitted Applicant to deposit the amount with a caveat that if the Respondents and / or their representatives did not apply for withdrawal of the said amount from the Registry within one year, Applicant-Petitioner would be entitled to take away the amount along with accrued interest on filing undertaking to pay the same to the Respondents and / or their legal heirs in the event of any demand made in future. Considering the timeline as alluded to herein above having been worked out, the present Interim Application is filed for seeking withdrawal of the amount by the Petitioner.

4. In view of the above, there can be no impediment in allowing the Applicant Petitioner to withdraw the amount of Rs. One Lac which was deposited by it towards the claim of back wages and closure compensation in the office of the Registrar, High Court Appellate Side, Mumbai. In view of the self-operative order passed in terms of paragraph No. 5(g) on 14.06.2018, present Interim Application stands allowed in terms of prayer clause (a) which reads thus:-

“(a) That this Hon’ble Court be pleased to allow this Interim Application and allow the Applicant to withdraw the amount deposited with the Registry of his Hon’ble Court with accrued interest in terms of para 5(g) of the said order dated 14.06.2018.”

5. Registrar, High Court Appellate Side, Mumbai is directed to return the amount of Rs. One Lac along with all accrued interest thereon to the Applicant within a period of two weeks from today on the learned Advocate for Applicant producing an authenticated copy of this order before the Registry. Fixed deposit, if any, is permitted to be foreclosed or broken. In view of this order, Applicant is directed to file the requisite undertaking as noted and directed in paragraph No. 5(g) of the order dated 14.06.2018 within a period of one week from today with the Registry / Department. On the undertaking being filed by the Applicant, the aforesaid withdrawal of the amount shall be effected.

6. In view of the above, Interim Application is disposed.

Amberkar

[MILIND N. JADHAV, J.]

Digitally signed
by RAVINDRA
MOHAN
AMBERKAR
Date:
2023.11.07
18:37:18
+0530