



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR

CIVIL APPLICATION (CAF) 2089 OF 2025
IN
FIRST APPEAL NO. 219 OF 2022

Sharad Uttamrao Bagade
Vs.
Gaffurshah S/o Nabishah and others

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders

Court's or Judge's orders

Shri. R.R. Rathod, Advocate for appellant
Shri. P.N. Varma, Advocate for respondent Nos. 1, 1(a) to 1(d) through V.C.
Shri Vedant Akhade, Advocate h/f Shri A.M. Kukday, Advocate for respondent No.2

CORAM : SHRI ABHAY J. MANTRI, J.
DATED : 20.06.2025

The applicants, original claimants Nos. 1, (1a), (1c), and (1d), have filed an application for modification of the order dated 01.04.2024, passed in Civil Application No. 2582/2023, in this appeal.

2. Learned Counsel for the applicants submitted that the learned Labour Court has partly allowed the claim of the original claimants except the applicant No. 3 therein, i.e. applicant No. (1b) in Civil Application No. 2582/2023. However, while passing the order, this Court allowed the application and permitted all applicants, i.e., (1a) to (1d), to withdraw 75% of the compensation amount on the terms and conditions mentioned therein. Therefore, the learned Counsel for the applicants submitted that

the said order is required to be modified to the extent of the applicant No. (1b) in Civil Application No. 2582/2023, as the learned Labour Court has not granted any relief in his favour.

3. Having considered the above submissions and on perusal of the record and order passed by this Court, I found substance in the submissions of the learned Advocate in that regard. Thus, in my view, paragraph No. 5 of the order dated 04/01/2024 needs to be modified. Hence, I proceed to pass the following order:

ORDER

1) The application is allowed; accordingly, the order dated 04/01/2024 is modified as under :

The respondent Nos. 1, (1a), (1c) and (1d) are permitted to withdraw 75% of the amount of compensation deposited by the appellant as per the terms and conditions mentioned in paragraph No. 5 of the order dated 04/01/2024.

2) It is made clear that applicant No. (1b) is not entitled to withdraw the amount.

The application stands disposed of.

JUDGE

Jayashree....