IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

CIVIL APPLICATION NO. 12952 OF 2026
IN FAST/14925/2026

Archana Wo Tulshiram Pokale Ors
VERSUS
Jm Aluminumjm Aluext Profiles Pvt Ltd
...
Mr. Sushant Choudhari, Advocate for Applicants
Mr. A. D. Kulkarni, Advocate for Respondent nos.1 and 2

WITH
CIVIL APPLICATION NO. 5811 OF 2026
IN FAST/14925/2026
WITH
FIRST APPEAL (STAMP) NO. 14925 OF 2026
WITH
CIVIL APPLICATION NO. 5810 OF 2026
IN FAST/14925/2026
.....

CORAM : AJIT B. KADETHANKAR, J.
DATED : 31ST OCTOBER, 2026

P.C. :-

CIVIL APPLICATION NO. 12952 OF 2026

. Feeling aggrieved by the judgment and award dated 27.01.2026 passed by Civil Judge, Senior Division, Beed, in WCFA No.43 of 2024, the employers are in the first appeal. As a statutory mandate, the appellants have deposited the entire payable award amount together with interest in the Trial Court.

2. On this backdrop, the application is filed by the applicants for withdrawal of the amount deposited by the appellant in the Trial Court. The Trial Court has delivered its judgment and award after considering the facts on record and assessing the evidence. Nothing would preclude this Court from assessing as to whether a substantial question of law arises or not. However, today judgment and award is in favor of the claimants. If the claimants do not get fruits of their litigation, it would frustrate the basic object of the beneficial piece of legislation. At the same time, it is needful to secure the interest of the employer. Hence, I pass following order:

ORDER

a. Civil application stands partly allowed.

b. Applicants are permitted to withdraw 50% of the amount deposited by the appellants in the Trial Court together with accrued interest by furnishing an undertaking to the satisfaction of learned Registrar/Superintendent of the Trial Court.

c. The applicants shall refund the amount withdrawn by them in the event if the liability cast on the appellants/ employers is turned down by this Court in Appeal.

d. Civil Application stands disposed of.

CIVIL APPLICATION NO. 5810 OF 2026

. This application is filed seeking condonation of delay of 38 days caused in filing First Appeal. It is submitted that in fact the first appeal has proceeded behind back of the appellants/applicants. That it is only in the execution proceeding, the appellants learnt that such trial has taken place. It is submitted that the delay is a bona fide one and not by any lethargy or negligence.

2. Mr. A. D. Kulkarni, learned Advocate for the appellants further submits that to show bona fides and also towards the statutory mandate, the applicants have deposited entire payable award amount in the Trial Court. Thus he prays to condone the delay and hear the Appeal on merits.

3. In view of this I pass following order:

ORDER

a. Civil Application stands allowed.

b. Delay of 38 days caused in filing the First Appeal is hereby condoned.

c. First Appeal be registered.

FIRST APPEAL ST. NO.14925 OF 2026

. Issue notice to the respondents. Mr. S. B. Choudhary, learned Advocate waives service of notice for respondent numbers 1 to 5. Notice of respondent no.6 be made returnable on 21.12.2026. Appellants are permitted to serve the respondent by all permissible modes of private service, in addition to regular mode of service.

2. Call Record and Proceedings.

CIVIL APPLICATION NO. 5811 OF 2026

. Since the appellants have deposited the entire payable award amount in the Trial Court as a statutory mandate, Civil Application stands allowed. The amount deposited by the appellants in the Trial Court shall not be disbursed except under the orders of this Court.

2. Civil Application stands disposed of.

(AJIT B. KADETHANKAR, J.)

Rushikesh/2026