

JPP

***IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE SIDE JURISDICTION***

WRIT PETITION NO. 7192 OF 2015

Mr. Rajendra Sachdev.

... Petitioner.

V/s.

Aftab Nizamuddin Sah.

... Respondent.

Mr. V.P. Vaidya i/b. Mahendra Agavekar for the Petitioner.

None for the Respondent.

CORAM : N.M. JAMDAR, J.

DATE : 27 OCTOBER, 2015.

P.C. :-

By order passed below Exhibit C-18 in Reference (IDA) No. 111 of 2006 on 2 April 2015, the Labour Court, Thane has rejected the application filed by the Petitioner. The Petitioner had sought that Mr. Naseem Ahmed Mushtaq Ahmed be joined as a party in the present Reference on the ground that the Petitioner had denied the employer – employee relationship and manufacturing activities were conducted by Mr. Naseem Ahmed. The Labour Court has held that at this stage of the proceedings, it may not be proper to add Mr. Ahmed as party Respondent and if the Petitioner so desires, he can call him as witness.

2. The learned Counsel for the Petitioner submitted that in view of the stand taken by the Petitioner, it will be appropriate that Mr. Ahmed is made party so that effective relief can be passed in favour of the workman.

3. The Petitioner has put-forth this stand. The workman has not sought for impleadment of the contractor of Mr. Ahmed. It is the risk that the workman will take. Nothing stops the Petitioner from seeking a direction to examine Mr. Ahmed as a witness.

4. In these circumstances, the Writ Petition cannot be entertained and is rejected.

(N.M. JAMDAR, J.)