

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO.8495 OF 2014**

Shabbir Badshah Mulani

Petitioner

Vs

Rajendra Bandu Khot and
Ors

.. Respondents

Mr. P.D.Dalvi, Advocate for Petitioner.

Mr.Abhijit A Desai with Ms Vrushali L. Mendad, Advocate for
Respondents no.1 to 9.

CORAM : R.G.KETKAR,J.

DATE : 16/02/2015

PC:

1. Heard Mr.P.D.Dalvi, learned counsel for the petitioner and Mr. Abhijit Desai, learned counsel for respondents no. 1 to 9 at length.

2. By this Petition under Article 227 of the Constitution of India, the petitioner has challenged the order dated 3.1.2014 passed by the learned Member, Industrial Court No.2, Kolhapur below Exh.U- 21 in Complaint (ULP) No.16 of 2007. By that order, the Industrial Court allowed Application-Exh-U-21 for amendment in the pleadings. In the application Exh.U-21, the original complainants also prayed for transposing petitioner-original complainant no.9 as respondent no.2. By order dated 3.1.2014 the Industrial Court allowed that application with the result the petitioner herein was transposed as respondent no.2.

3. The petitioner filed application Exh.C-16 for recalling that

order. By order dated 24.6.2014 the Industrial Court dismissed the application.

4. Mr. Dalvi submitted that aggrieved by order dated 3.1.2014 respondent no.13 had instituted Writ Petition No.1647 of 2014. By order dated 12.2.2014, the petition was rejected. He submitted that perusal of that order would indicate that issue of transposition of the petitioner as respondent no.2 was not agitated and consequently was not considered. He, therefore, seeks permission to withdraw this Petition with liberty to file Review Petition seeking review of the order dated 12.2.2014.

5. Perusal of papers and proceedings of Writ Petition No.1647 of 2014 and in particular ground no.10(E) shows that issue of transposition was also specifically raised in the petition. As the petition is dismissed by this Court, this Petition is allowed to be withdrawn with liberty to file Review Petition. All contentions of the parties on merits are expressly kept open. Order accordingly.

(R.G.KETKAR, J.)