

Sequeira

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

***WRIT PETITION NO. 4324 OF 2014.
Along with
CIVIL APPLICATION NO. 2681 OF 2015
(For amendment)***

Mr.Sanyukt H. Tiwari .. Petitioner
Vs.
M/s. Travelmartindia.com Pvt. Ltd. & anr. .. Respondents

Mr.Mayuresh Modgi, for the Petitioner and Applicant in C.A.W No.2681 of 2015.
Mr.S.C.Naidu a/w Mr.Shaikh Nasir Masih i/b C.R.Naidu & Co., for Respondents.

***CORAM: N.M.Jamdar, J.
Tuesday 13 October, 2015***

PC. :

The learned counsel for the Respondents states that by order dated 23 June 2014 while issuing notice the contention of the learned counsel for the Petitioner that the matter needs to be remanded to the Industrial Court to decide the factum of termination of his services was recorded. The learned counsel for the Respondents Mr.Naidu, submits that when the complaint was filed the cause of action was not the alleged termination of the Petitioner and furthermore Industrial Court will have no jurisdiction to decide the factum of termination and it's propriety. The contention raised by Mr.Naidu is correct. The learned counsel for the Petitioner Mr.Modgi, seeks leave to withdraw the petition

and states that the Petitioner will file an appropriate complaint before the Labour Court. If such complaint is filed it will be decided as per law and all contentions on merits are kept open. Petition is dismissed as withdrawn.

2. In view of the order as above, the Civil Application does not survive and is disposed of.

(N.M.Jamdar, J.)