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***IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION***

WRIT PETITION (Lodg.) NO. 3480 OF 2015

Johnson & Johnson Employees' Union. ... Petitioner.
V/s.
Johnson and Johnson Ltd. and Anr. ... Respondents.

Mr. Arshad Shaikh i/b. S.M. Shettigar for the Petitioner.
Mr. Ajit Kapadia a/w. Prakrit Salgaonkar i/b. Crawford Bayley &
Co. for Respondent 2.

***CORAM : N.M. JAMDAR, J.
DATE : 15 DECEMBER, 2015.***

P.C. :-

By this Petition the Petitioner challenges the orders passed by the Industrial Tribunal, Mumbai dated 2 December 2015 and 7 December 2015 rejecting the application for framing additional issues and refusing to recall the order of no cross of the Respondents witnesses, respectively. The learned Counsel for the Petitioner has handed over the copy of the order dated 2 December 2015 stating that the copy is now available.

2. The Industrial Court, Mumbai has found that the additional issues as suggested are not necessary. In writ jurisdiction I am not inclined to interfere with the discretion of the Court as to which issues are to be framed however, if there is any resultant prejudice to the Petitioner, that must be addressed. The

learned Counsel for the Petitioner submitted that if these additional issues are not framed, he will have precluded from putting forth all the arguments which arise from the pleadings and the schedule of reference in the context of these additional issues. This apprehension is not warranted. Even the learned Counsel for the Respondents submits that it is always open to the Petitioner to put-forth such submissions and contentions as available in law. In view of this position and that the Petitioner is not prejudiced, since all its contentions are open, I am not inclined to interfere with the order of 2 December 2015 with clarification as above.

3. As regard the order dated 7 December 2015 is concerned, the learned Counsel for the Petitioner states that the order is not available. If the application for recalling the order of “no cross” and recalling the witness is still pending, the Industrial Tribunal will dispose off the same. The Industrial Tribunal will strive to give opportunities to both the parties, so that no further litigation from interim order arises.

4. The Writ Petition is disposed off in above terms.

(N.M. JAMDAR, J.)