IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

CIVIL APPLICATION NO.:11365 OF 2016
IN
WRIT PETITION NO.:7192 OF 2016

Tapadiya Construction Ltd Through Its Chairman J C Tapadiya Through Its Authorized
VERSUS
Madhukar Raosaheb Wadekar And Others
***

WITH
CIVIL APPLICATION NO.:11366 OF 2016
IN
WRIT PETITION NO.:7197 OF 2016
***

Tapadiya Construction Ltd Through Its Chairman J C Tapadiya Through Its Authorized
VERSUS
Madhukar Harishchandra Ekhande And Others
***

WITH
CIVIL APPLICATION NO.:11371 OF 2016
IN
WRIT PETITION NO.:7193 OF 2016
***

Tapadiya Construction Ltd Through Its Chairman J C Tapadiya Through Its Authorized
VERSUS
Ramprasad Natha Shejul And Others
***

WITH
CIVIL APPLICATION NO.:11372 OF 2016
IN
WRIT PETITION NO.:7188 OF 2016

***

Tapadiya Construction Ltd Through Its Chairman J C Tapadiya Through Its Authorized

VERSUS

Murlidhar Harlal Pawar And Others

***

WITH

CIVIL APPLICATION NO.:11373 OF 2016

IN

WRIT PETITION NO.:7187 OF 2016

***

Tapadiya Construction Ltd Through Its Chairman J C Tapadiya Through Its Authorized

VERSUS

Devidas Kondibhau Kawale And Others

***

WITH

CIVIL APPLICATION NO.:11374 OF 2016

IN

WRIT PETITION NO.:7189 OF 2016

***

Tapadiya Construction Ltd Through Its Chairman J C Tapadiya Through Its Authorized

VERSUS

Chandrakant Devrao Wakhre And Others

***

WITH

CIVIL APPLICATION NO.:11375 OF 2016

IN

WRIT PETITION NO.:7183 OF 2016

***

Tapadiya Construction Ltd Through Its Chairman J C Tapadiya Through Its Authorized

VERSUS

Baburao Dagduba Jumbad And Others

***

WITH
CIVIL APPLICATION NO.:11378 OF 2016
IN
WRIT PETITION NO.:7194 OF 2016
***

Tapadiya Construction Ltd Through Its Chairman J C Tapadiya Through Its Authorized
VERSUS
Dhanaji Mansing Nunsawant And Others
***

WITH
CIVIL APPLICATION NO.:11380 OF 2016
IN
WRIT PETITION NO.:7191 OF 2016
***

Tapadiya Construction Ltd Through Its Chairman J C Tapadiya Through Its Authorized
VERSUS
Ashok Sakharam Deshmukh And Others
***

WITH
CIVIL APPLICATION NO.:11381 OF 2016
IN
WRIT PETITION NO.:7182 OF 2016
***

Tapadiya Construction Ltd Through Its Chairman J C Tapadiya Through Its Authorized
VERSUS
Gabru Jemla Pawar And Others
***

WITH
CIVIL APPLICATION NO.:11383 OF 2016
IN
WRIT PETITION NO.:7185 OF 2016

***

Tapadiya Construction Ltd Through Its Chairman J C Tapadiya Through Its Authorized

VERSUS

Dnyaneshwar Jija Devde And Others

***

WITH

CIVIL APPLICATION NO.:11385 OF 2016

IN

WRIT PETITION NO.:7181 OF 2016

***

Tapadiya Construction Ltd Through Its Chairman J C Tapadiya Through Its Authorized

VERSUS

Sopan Bhimrao Jadhav And Others

***

WITH

CIVIL APPLICATION NO.:11386 OF 2016

IN

WRIT PETITION NO.:7195 OF 2016

***

Tapadiya Construction Ltd Through Its Chairman J C Tapadiya Through Its Authorized

VERSUS

Vishnu Jija Ghule And Others

***

WITH

CIVIL APPLICATION NO.:11387 OF 2016

IN

WRIT PETITION NO.:7196 OF 2016

***

Tapadiya Construction Ltd Through Its Chairman J C Tapadiya Through Its Authorized

VERSUS

Kaisarmiya Abdul Karim And Others

***

WITH
CIVIL APPLICATION NO.:11388 OF 2016
IN
WRIT PETITION NO.:7186 OF 2016
***

Tapadiya Construction Ltd Through Its Chairman J C Tapadiya Through Its Authorized
VERSUS
Bapurao Sitaram Sose And Others
***

WITH
CIVIL APPLICATION NO.:11389 OF 2016
IN
WRIT PETITION NO.:7184 OF 2016
***

Tapadiya Construction Ltd Through Its Chairman J C Tapadiya Through Its Authorized
VERSUS
Dnyandeo Kanhoji Veer And Others
***

WITH
CIVIL APPLICATION NO.:11390 OF 2016
IN
WRIT PETITION NO.:7198 OF 2016
***

Tapadiya Construction Ltd Through Its Chairman J C Tapadiya Through Its Authorized
VERSUS
Sakharam Raosaheb Pawar And Others
***

WITH
CIVIL APPLICATION NO.:11391 OF 2016
IN
WRIT PETITION NO.:7190 OF 2016
***

Tapadiya Construction Ltd Through Its Chairman J C Tapadiya Through Its Authorized

VERSUS

Bhaskar Devidas Kale And Others

***

WITH

WRIT PETITION NO. 7181 OF 2016

WITH WP/7182/2016 WITH WP/7183/2016 WITH WP/7184/2016 WITH WP/7185/2016 WITH WP/7186/2016 WITH WP/7187/2016 WITH WP/7188/2016 WITH WP/7189/2016 WITH WP/7190/2016 WITH WP/7191/2016 WITH WP/7192/2016 WITH WP/7193/2016 WITH WP/7194/2016 WITH WP/7195/2016 WITH WP/7196/2016 WITH WP/7197/2016 WITH WP/7198/2016

TAPADIYA CONSTRUCTION LTD THROUGH ITS CHAIRMAN J C TAADIYA THROUGH ITS AUTHORIZED

VERSUS

SOPAN BHIMRAO JADHAV AND OTHERS

...

Advocate for Applicant / Petitioner : Shri A.B.Kale h/f Shri Deshmukh Vaibhav S.

Advocate for Respondent/ MSC Bank : Shri Abhijit Kulkarni.

Advocate for Respondents / Workers : Shri Y.P.Deshmukh with Shri Boinwad O.B..

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CORAM: RAVINDRA V. GHUGE, J.

DATE :- 20th **August, 2016**

Per Court:

1 On 13.07.2016, this Court (Coram : P.R.Bora, J.) had issued the notice to the Respondents in Writ Petition Nos.7181 to 7198/2016 and an ad-interim stay to the impugned judgment was granted without any direction to the Petitioners to deposit any amounts as were assessed by the Industrial Court.

2 The office remark indicated that the notices were not issued

to the Respondents because the Petitioners did not supply the petition paper books for issuance of notices. As a result, this Court in it's order dated 03.08.2016, recorded the statement of the Petitioners that the notices would be published in daily “Sakal” in Jalna and Aurangabad editions and the returnable date was extended till 20.08.2016.

3 Shri Kale, learned Advocate for the Petitioners/ Applicants in all these matters, submits that Respondent Nos.1 and 3 in the petitions have entered their appearance memo and as such, notices are not required to be served on these Respondents.

4 By these Civil Applications, the Applicants/ Petitioners pray that the order dated 03.08.2016 directing the Petitioners to publish the notices in the newspaper, be recalled.

5 Shri Kale submits that in another connected group of matters filed by individual workers, Respondent No.2, namely, Jalna Sahakari Sakhar Karkhana Limited has been served and this Court (Coram : P.R.Bora, J.), by order dated 05.07.2016, has concluded in Writ Petition Nos.4792 to 4796 of 2016 that since the Petitioners are not claiming any relief against Respondent No.2 Sugar Factory, the said Respondent need not be served. Shri Kale, therefore, submits that no notice is, therefore,

required to be served on Respondent No.2 Sugar Factory.

6 I am unable to accept the request of the Petitioners/ Applicants for the reason that the notice issued by this Court on 13.07.2016 was already frustrated when copies of the petition paper books were not supplied till this Court passed the order dated 03.08.2016. In order to ensure that the copies of the petition paper books are available for the Respondents, this Court issued a fresh notice returnable on 20.08.2016 with the direction that the notices shall be published in the newspaper. The direction to deposit the petition paper books with the Registry on or before 08.08.2016 was only to ensure that after the parties are served through paper publication, they could contact the Writ Section and collect the copies of the petitions.

7 In the light of the above, these Civil Applications are misconceived and hence, are rejected.

8 The conduct of the Applicants / Petitioners appears to seek the continuance of interim relief and delay the matters by keeping the aspect of serving notice on Respondent No.2 Sugar Factory, pending.

9 In this backdrop, this Court is once again constrained to

extend the returnable date of the notice dated 03.08.2016 issued in Writ Petition Nos.7181 to 7198/2016 and make the same returnable on 02.09.2016 subject to imposing costs of Rs.500/- (Rupees Five Hundred) on the Applicants/ Petitioners in each of these petitions to be deposited with the Advocates Association's Bar Library, High Court, Aurangabad within a period of ONE WEEK from today.

10 Consequentially, a fresh notice shall now be issued in Writ Petition Nos.7181 to 7198/2016 and the Petitioners shall get the said notice published on or before 26.08.2016 in Marathi daily “Lokmat”, Jalna edition and place the copy of the said publication on record. Notice to indicate that these matters are likely to be heard finally at the admission stage on the returnable date. Needless to state, Respondent Nos.1 and 3 have already appeared in all these petitions.

11 It is made clear that since for the second time the direction of this Court has not been implemented by the Petitioners, in the event these directions are not complied with, ad-interim relief granted by this Court on 13.07.2016 shall stand vacated without reference to this Court.

kps (**RAVINDRA V. GHUGE, J.**)