

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO.10683 OF 2016
(Sominath S/o Narayan Sonwane Vs. Aurangabad Taluka
Co.Op.Cottn Ginning and Pressing Society Ltd.,)

Mr.S.R.Dheple, Advocate for the petitioner.

(CORAM : RAVINDRA V. GHUGE, J.)

DATE : 26/10/2016

PER COURT :

1. The petitioner is aggrieved by the order dated 27/09/2016 delivered by the Labour Court, Aurangabad by which Misc.Appl.No. 1/2012 has been allowed.
2. The petitioner is the original applicant before the Labour Court in an Appl. (IDA) No.10/2003 filed u/s 33(C)(2) of the I.D.Act. The respondent herein had appeared in the matter and was represented by an Advocate. However, the respondent neither filed a written statement, nor did it participate in the proceedings. Apparently, the said judgment was an ex-parte judgment as has been rightly concluded by the Labour Court in the impugned order.
3. In my view, though the respondent has erroneously mentioned Section 31(1) of the MRTU and PULP Act, 1971 for seeking setting aside of the ex-parte judgment, the same was maintainable under Rule 26(2) of the Industrial Disputes (Bombay Rules), 1957. Within 30 days from the date of receipt of the judgment of the Labour Court dated 08/12/2011, the respondent has filed the Misc.Application for

recalling of the ex-parte judgment on 09/01/2012. It had applied for a certified copy on 30/12/2011 after the petitioner presented an application alongwith the ex-parte judgment to the respondent on 21/12/2011.

4. There is no dispute that though an Advocate has appeared before the Labour Court, there was no participation on behalf of the respondent. It is for the said reason that the petitioner has been granted costs of Rs.5,000/- while allowing the Misc. Application, by the Labour Court vide the impugned judgment.

5. Considering the above, I do not find any reason to interfere with the impugned order. This petition, being devoid of merit, is therefore, dismissed.

(RAVINDRA V. GHUGE, J.)