

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO. 2854 OF 2016

M/s.BSE Limited

..... Petitioner

VERSUS

Stock Exchange Employees' Union

..... Respondent

Mr.K.M.Naik, Senior Advocate, a/w. Mr.S.P.Salkar, Mr.Hemant Telkar for the Petitioner.

Mr.Bennet D'souza for the Respondent.

CORAM : R.D. DHANUKA, J.

DATED : 14th MARCH, 2016

P.C.

Learned counsel appearing for the respondent states that he has no objection if the witness examined by the respondent i.e. Mr. Stanies Leo Crasto is recalled for cross-examination by the petitioner. Statement is accepted. Impugned order passed by the Industrial Court to that effect is modified.

2. The petitioner would be at liberty to cross examine the said witness further.
3. Learned senior counsel for the petitioner submits that in paragraph 13 of the examination in chief recorded by the learned Industrial Court, it is recorded that the petitioner has no objection about the admissibility of the documents. He submits that no such statement was made by the petitioner before the Industrial Court. He submits that the petitioner has not admitted any such documents in evidence. Statement is accepted.
4. The petitioner has cross examined the witness partly. Merely because the

statement is recorded by the Industrial Court that there was no objection about the admissibility of all the documents of the witness examined by the respondent, the authenticity and contents of such documents cannot be deemed to have been proved. In my view, the evidential value of such documents will have to be considered by the Industrial Court after evidence of all the witnesses is concluded and at the time of hearing of the matter.

5. This court has not expressed any views on the merits of the matter.
6. It is made clear that in view of the aforesaid clarification, the Industrial Court need not de-exhibit any of the documents which are already marked in evidence.
7. Writ petition is disposed of in the aforesaid terms. No order as to costs.

[R.D. DHANUKA, J.]