

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

WRIT PETITION NO. 5100 OF 1999

M/s.Vanaz Engineers Ltd.
Office at 85/1, Paud Road, Pune.

... Petitioner

v/s

Mr.G.M. Patke,
10, Three View Co-op. Hsg. Society,
Appasaheb Marathe Marg,
Century Bazar, Mumbai – 400 025.

... Respondent

Mr.K.S. Bapat with T.R.Yadav i/by Smt.S. S. Deshpande for the
petitioner.

Mr.B.V. Bukhari for the respondent.

CORAM: N.M. JAMDAR, J.

DATED : 24 FEBRUARY 2016

P.C.:

By the impugned order dated 8 June 1999, the Labour Court, Mumbai, allowed the application filed by the Respondent under Section 33-C(2) of the Industrial Disputes Act, 1947 and directed the Petitioner to pay Rs.97,357/- with interest.

2 Rule was issued in this petition on 18 October 1999. Interim relief in terms of prayer clause (b) was granted, however, the Respondent was permitted to withdraw the amount deposited in

this Court, without security. Thereafter, the Respondent expired and his heirs are brought on record by order dated 20 April 2011.

3 Learned counsel for the Petitioner submits that the order passed by the Labour Court is perverse and has proceeded on erroneous and factual footings. When a query was put to the learned counsel for the Petitioner as to the subsequent development and the implications thereof, and whether it is possible for the Petitioner to recover the amount from the heirs who have withdrawn the same without any security, the learned counsel for the Petitioner is unable to show how in practical sense the amount can be actually recovered and the expenses involved in this process will not exceed the actual amount involved. He however submitted that the findings recorded by the Labour Court may come in the way of the Petitioner in other pending as well as future proceedings. Learned counsel for the Respondent also submits that the Respondent is not interested in getting any question of law or adjudication settled.

4 In view of the position that it may not be now possible to reverse the position even though the Petitioner succeeds, it is not necessary to examine the issue any further to undertake a futile exercise. It is further clarified that, since the Petition is being disposed of on the above circumstances, the findings recorded by the Labour Court will not come in the way of the Petitioner in any future proceedings.

5 The writ petition is disposed of in above terms. Rule discharged. No costs.

(N. M. JAMDAR, J.)