

JPP

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

WRIT PETITION NO. 9056 OF 2015

Kanti Seth.

... Petitioner.

V/s.

Sadique Ali Naseeb Ali.

... Respondent.

Mr. V.P. Vaidya a/w. Mahendra Agavekar for the Petitioner.

Mr. Y.M. Pendse for the Respondent.

CORAM : N.M. JAMDAR, J.

DATE : 1 FEBRUARY, 2016.

P.C. :-

The Petitioner has approached this Court being aggrieved by the order passed by the Labour Court, Thane rejecting his request to send a document styled as letter of resignation to the handwriting expert.

2. The reference is pending since the year 2002. The Labour Court by the impugned order took note of the pendency of the reference since the year 2002 and found that sending the document at such a belated stage was not required. The learned Counsel for the Petitioner had made a grievance that there was no

question of delay as this application was earlier allowed in the year 2007 and further delay was not on the part of the Petitioner. Since the order dated 20 February 2007 did not disclose whether the Labour Court had found it necessary to send the document for examination, by order dated 21 December 2015 the Labour Court was directed to carry out this exercise. The learned Counsel for the Respondent has placed a copy of the order dated 19 January 2016 passed by the Labour Court on record. The Labour Court has held that it is not necessary to send the document for examination of the handwriting expert as the Labour Court can carry out the exercise of comparing the signature and both parties can lead their evidence.

3. Though some observations made in the order dated 19 January 2016 are beyond the scope of the order dated 21 December 2015, in view of the fact that the reference is pending since 2002 and the Labour Court has opined that it can carry out the exercise of comparing the signatures and that the workman's cross-examination is partly over, at this stage, I am not inclined to interfere with the impugned order. All the contentions of the parties as regard the said document are kept open and the observations made in the order dated 19 January 2016 are purely interlocutory. The Writ Petition is accordingly disposed of.

(N.M. JAMDAR, J.)