

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

WRIT PETITION NO.7405 OF 2013

M/S. Boro Criss and anr. : Petitioners.
versus
Nasik Workers Union : Respondent.

Ms. Sonia Miskin i/by Mr. Piyush Shah for the Petitioners.
Mr. Vijayprakash S Yadav for the Respondent No.1

CORAM : R. M. SAVANT, J.
DATE : 06th October 2016

P.C.

1 The order dated 04/07/2013 passed by the 2nd Labour Court, Nasik allowing the restoration application being Misc. Application (ULP) Restoration No.44/2009 in Complaint (ULP) No.88 of 2003 and thereby setting aside the judgment and order dated 21/05/2009 passed in Complaint (ULP) No.88 of 2003 and restoring the original Complaint (ULP) No.88 of 2003 to file is taken exception to by way of the above Petition.

2 The above Petition had come up for admission on 03/10/2016 when it was adjourned for today so as to enable the learned counsel for the Respondent No.1 – Union who was the Applicant in the said Misc. Application (ULP) Restoration No.44/2009 to take instructions as regards withdrawal of the said application with liberty to file a Revision Application against the said order dated 21/05/2009. The learned counsel appearing on behalf of the

Respondent No.1 Shri V S Yadav on instructions of the Respondent No.1 – Union which he has received by E-mail dated 05/10/2016, makes a statement that the Respondent No.1 would withdraw the said Misc. Application (ULP) Restoration No.44/2009 and would file a Revision Application under Section 44 of the MRTU & PULP Act against the said judgment and order dated 21/05/2009.

3 In view of the aforesaid statement of the learned counsel for the Respondent No.1, it is not necessary to consider the impugned order dated 04/07/2013 on merits. The same would accordingly stand set aside. The Respondent No.1 would be at liberty to file a Revision Application under Section 44 of the MRTU & PULP Act. The learned counsel appearing for the Petitioners Ms. Sonia Miskin on instructions states that the Petitioners would not object to the Revision Application being filed and would not raise the ground of limitation against the Respondent No.1. The Revision Application to be filed within 4 weeks from date. Needless to state that the Revision Application would be tried on its own merits and in accordance with law. The contentions of the parties are explicitly kept open for being urged before the Revisionary Court. With the aforesaid directions the above Writ Petition is disposed of.

[R.M.SAVANT, J]