

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
REVIEW PETITION NO. 12 OF 2015
IN
WRIT PETITION NO. 4981 OF 2013

Shri. Warna Agriculture Goods
Processing Society Ltd.

....Petitioner
(Original Petitioner)

V/s.

Kolhapur District Sahakari
Nokar Union

.....Respondents
(Original Respondents)

* * * * *

Mr. Suresh Pakale i/by. Mr. Avinash Belge, Advocate for the petitioner.

Mr. Sandeep S. Koregave, Advocate for the respondents.

CORAM :- SMT. R.P. SONDURBALDOTA, J.

DATED :- 25TH FEBRUARY, 2016.

P.C. :-

1). By the order dated 29th October, 2014 the Writ Petition herein filed in by the petitioners was dismissed and the order impugned therein passed by the Industrial Tribunal, Kolhapur upheld. On 12th December, 2014 the petitioner filed the present petition for review of the order on three grounds. The first ground is that, this Court has

incorrectly appreciated that the Labour Court had already allowed the application to lead oral evidence and therefore the opponent is entitled to read that evidence before the Industrial Tribunal. The Labour Court had allowed the application, limited to the extent of reading documentary evidence produced in other proceedings. The second ground is that, Section 44 of the Maharashtra Recognition of Trade Unions and Prevention of Unfair Labour Practices, Act ("MRTU & PULP Act" for short) does not permit the parties to bring any new material in the revision proceedings and thirdly that, this Court has misconstrued Section 33 of the Indian Evidence Act.

2). None of the three grounds above, fall within the scope of review under Section 114 read with Order 47(1) Civil Procedure Code.

3). Mr. Pakale, the learned Advocate appearing for the petitioner, however, submits that there is an error apparent on the face of the order in holding that the Labour Court had allowed the application to read oral evidence. Perusal of paras-1 and 2 of the order, under review does not support the argument of Mr. Pakale. At para-1, it is specifically stated that, order of the Industrial Tribunal was allowing the application filed by the respondent for production of certified copy of notes of evidence of witness recorded in another proceedings and the order of the Labour Court was to allow reading in evidence of the documents produced in the

other proceedings. It is to be noted that, the revision proceedings in the Industrial Tribunal filed were not against the order of the Labour Court allowing the application for leading evidence in the other proceedings. The proceedings before the Industrial Tribunal were to challenge the final order passed by the Labour Court in the complaint before it. In the circumstances, there is no merit in the Review Petition. The same is accordingly dismissed.

(SMT. R.P. SONDURBALDOTA, J)