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IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.3907 OF 2016

Shri. Rajaram Ganpat Pandit

...Petitioner

vs

V.M. Parthsarathy

...Respondent

.....

Ms. Tejas Kapre, i/b. J.S. Kapre, for the Petitioner.

.....

CORAM : S.C. GUPTE, J.

DATED: APRIL 11, 2016

P.C. :

. Heard learned Counsel for the Petitioner. The petition, filed under Article 227 of the Constitution of India, challenges the orders of the Courts below, namely, the Labour Court at Pune and the Industrial Court at Pune, rejecting the Petitioner's application for leading of further evidence. It is an admitted position that the complainant had filed an evidence close pursis on 18 November 2014. The complaint itself is of the year 2007. After filing of such pursis, an application was made for leading of further evidence and examining some other witnesses. The Labour Court rejected the application on the ground that there was no provision to reopen the matter after the arguments were over and that the complainant had not given any reasons that inspite of diligence, those witnesses could not be produced earlier. In the revisional order, the Industrial Court has relied on Rule 46(8) of the Labour Courts (Practice and Procedure) Rules, which provides that a case once closed

and adjourned for arguments, shall not be permitted to be reopened for production of further evidence, except upon a good cause being shown to the satisfaction of the Court. The Industrial Court was of the view that, since there was no cogent reason mentioned by the Applicant for permission to lead further evidence after closure of evidence, the impugned order of the Labour Court did not suffer from any illegality, incorrectness or impropriety and, accordingly, dismissed the revision application. The matter was further carried in review before the Industrial Court. The review also was dismissed. The grounds raised in this present petition also do not show why the particular witness was necessary to be examined or why he could not be examined earlier. There is nothing to show that the witness indicated in the petition was a material witness.

2. In the premises, there is no merit in the writ petition. The same is dismissed . No order as to costs.

(S.C. GUPTE, J.)