

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION

WRIT PETITION (L) NO.2216 OF 2016

Dr. Balabhai Nanavati Hospital

.. Petitioner

Versus

All India Nurses Association

.. Respondent

Mr. Ravindra Vasant Paranjpe for the Petitioner

None for the Respondent.

CORAM : R.M. SAVANT, J.

DATE : 18th AUGUST 2016

PC.

1 The order dated 05.08.2016 passed by the Learned Presiding Officer, Industrial Tribunal Court, Mumbai, rejecting Application Exh.C-17 filed by the Petitioner for being permitted to file additional affidavit of examination-in-chief is taken exception to by way of the above Petition.

2 The said application has been rejected inter-alia on the ground that in the Application Exh.C-17 as well as the affidavit Exh.C-16, it has not been stated that the deponent is making statements on oath for the first time in the additional affidavit of evidence or that certain clarifications are being issued in respect of the statements made in the affidavit of examination-in-chief, Exh.C-13. The application is also rejected on the ground that since the reference was kept for the cross-examination

of the witness of the Petitioner/Applicant, the instant application seems to be filed to stall the said cross-examination. The Learned Presiding Officer has also observed that almost all the aspects relating to the controversy involved in the reference have been covered in the original affidavit of examination-in-chief Exh.C-13. With the assistance of the Learned Counsel appearing for the Petitioner Mr. Ravindra Paranjpe I have also gone through the original affidavit of examination-in-chief and the proposed additional affidavit of examination-in-chief. After going through the same, in my view, no fault can be found with the observation made by the Learned Presiding Officer that all the aspects involved have been covered in the affidavit of examination-in-chief. It is well settled that an additional affidavit of examination-in-chief can be filed if new facts became known to the concerned party or some facts remained to be incorporated or a clarification is sought to be given.

3 A perusal of the application Exh.C-17 discloses that no case is made out under any of the said eventualities and merely it is stated that the Applicant wants to file an additional affidavit of examination-in-chief. Hence, no case for interference is made out. The Writ Petition is accordingly dismissed.

[R.M. SAVANT, J]