

IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
NAGPUR BENCH, NAGPUR

WRIT PETITION NO.6494 OF 2015

Anisha w/o Julius Matthew

..vs..

Western Coalfields Limited, thr its General Manager, District Nagpur

.....
Office Notes, Office Memoranda of Coram,
appearances, Court orders or directions
and Registrar's orders
.....

Court's or Judge's Order

Mrs.M.N. Hiwase, counsel for the petitioner.

Ms Pushpalata Ranjan, counsel for the respondent.

**CORAM : B.P. DHARMADHIKARI &
P.N. DESHMUKH, JJ.**

DATED : APRIL 16, 2016.

Heard.

We find that unless and until the contentions in Special Civil Suit No.346 of 2010 are appropriately answered, the entitlement of the petitioner to any relief cannot be considered in this jurisdiction. It is more so, when the parties in Special Civil Suit No.346 of 2010 are not the parties before this Court.

The petitioner is defendant No.8 in that suit.

Learned counsel for the W.C.L. has rightly pointed out that respondent No.8 has got remedy of approaching special Tribunal under Section 14 of the Coal Bearing Act and as the dispute about ownership is pending, the W.C.L., at this stage, cannot be called upon

to provide either employment or pay compensation to the petitioner. We are not observing anything on merits of said contentions.

As we find that certain disputed questions arise, which cannot be answered appropriately in the present matter, we grant the petitioner leave to raise appropriate grievance before either the civil court or the forum under Section 14 of the Coal Bearing Act, in accordance with law.

Needless to mention that all rival contentions are kept open. With the said liberty, the writ petition is disposed of. No costs.

JUDGE

JUDGE

!! BRW !!

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