

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

WRIT PETITION NO.128 OF 2016

(HARIBHAU SHAMRAO UNDRE ...VS..SHRINIVAS PRABHAKARRAO POTDAR)

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

Court's or Judge's orders

Shri C.A. Joshi, Advocate for Petitioner.

CORAM : Z.A.HAQ, J.

DATED : DECEMBER 23, 2016.

Heard.

The petitioner-employee has challenged the order passed by the Labour Court rejecting the application filed by the petitioner praying for restoration of the proceedings which were dismissed for want of prosecution.

The reference made to the Labour Court on the application of the employee was dismissed by the Labour Court by the following order :

“The second party and his counsel are absent. No application is on record. The second party was duly served with notice and appeared in the Court on 17/07/2009. Since then he has not filed Statement of Claim though matter adjourned for a period of about 2 years. His continuous absence shows that he is not interested to proceed with the reference. The reference is therefore answered in negative for default and for want of prosecution.”

The employee filed an application praying for restoration of the proceedings, which is rejected by the impugned order.

I find that the learned Presiding Officer has properly appreciated the relevant facts and there is no error in his conclusions. The learned advocate for the petitioner has not been able to point out any illegality or perversity in the impugned order. I see no reason to interfere in the matter.

The petition is **dismissed**. No costs.

JUDGE

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