

HIGH COURT OF CHHATTISGARH, BILASPUR

Writ Petition (Art. 227) No.416 of 2011

1. The Himalaya Drugs Company Trademark Registered Trade Mark- M.M.I. Corporation Licence Users, the Himalaya Drugs Company, Head Office in Bangalore, Karnataka.
2. Philip Hedan, Managing Director, The Himalaya Drugs Company, Makali, Bangalore, Karnataka.
3. Rakesh Kumar Vachher, Zonal Manager of The Himalaya Drugs Company, through the Himalaya Drugs Company, Makali, Bangalore, Karnataka.
4. Sandeep Akolekar, aged about 45 years, S/o Late Bhal Chandra Akolekar, RM of the Himalaya Drugs Company through the Himalaya Drugs Company Maa Kali Bangalore, Karnataka, at present ZM of the Himalaya Drugs Company, R/o 188, Lokmanya Nagar, Indore (M.P.)

(Non-applicants)
---- Petitioners

Versus

Shalaj Nathaniel, aged about 37 years, S/o Shanel Nathaniel, R/o Civil Lines, Burgess School Compound, Tahsil and Distt. Bilaspur.

(Applicant)
---- Respondent

For Petitioners: Mr. Parag Kotecha, Advocate.
For Respondent: Mr. Sunil Otwani, Advocate.

Hon'ble Shri Justice Sanjay K. Agrawal

Order On Board

02/02/2017

1. The Labour Court has closed the opportunity of the petitioners to cross-examine workman Shalaj Nathaniel.
2. Learned counsel for the petitioners submits that the petitioners be given opportunity to cross-examine the respondent workman as he could not be cross-examined by the

petitioners.

3. Learned counsel for the respondent workman submits that 33 opportunities have been given to the petitioners and the petitioners have deliberately avoided cross-examining the respondent / workman and therefore no opportunity should be given.
4. After hearing learned counsel for the parties, taking into consideration the submissions of the parties and in order to decide the dispute between the parties effectively, cross-examination of the workman is absolutely necessary. Therefore, in the interest of justice, I deem it appropriate to direct that the petitioners should be allowed to cross-examine the respondent workman subject to payment of cost of Rs.10,000/- to be paid by the petitioners to the respondent workman. It is ordered accordingly. The respondent workman shall be cross-examined preferably on 20-2-2017 and if for any reason he is not cross-examined on that day, the Labour Court will fix a date not later than ten days from that date.
5. With the aforesaid direction, the writ petition stands disposed of. No order as to cost(s).

Sd/-
(Sanjay K. Agrawal)
Judge