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HIGH COURT OF CHHATTISGARH, BILASPUR**Writ Petition (227) No.2849 of 2009**

1. The Himalaya Drugs Company Trademark/Registered Trade Mark-M.M.I. Corporation Licence Users, the Himalaya Drugs Company, Head Office Bangalore.
2. Philip Hedan, Managing Director, The Himalaya Drugs Company, Makali, Bangalore
3. Rakesh Kumar Vachher, Zonal Manager of the Himalaya Drugs Company, 453 W, Duplex, Near Nanda Nagar Chruch, Indore At Present-6-Madhav Residency, Gaikwad Nagar, Aundh, Pune (M.H.)
4. Sandeep Akolekar, R.M. of the Himalaya Drugs Company, M.I.G.-2, Shanker Nagar, Raipur

----Petitioner**Versus**

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

---- Respondent

For Petitioner	:	Mr.Parag Kotecha, Advocate
For Respondent	:	None present

Hon'ble Shri Justice Sanjay K. Agrawal**Order on Board****02/02/2017**

1. By the order impugned, the trial Court has rejected the application filed by the petitioners under Order 6 Rule 18 of the CPC.
2. Learned counsel for the petitioners would submit that the petitioners could not notice the order passed by the Labour Court on 26.11.2008 directing amendment in the statement of claim and therefore he could not incorporate the same well within the time and therefore application for

extension of time was filed for incorporating the amendment, that has been rejected by the Labour Court by order dated 20.1.2009.

3. I have heard learned counsel appearing for the petitioner and perused the documents appended with the writ petition.
4. Since, amendment could not be incorporated during the course of the day on which application was allowed the Labour Court ought to have extended the time to incorporate the amendment by giving reasonable time. That has not been done as the Labour Court did not give sufficient time to incorporate the amendment. Accordingly, the impugned order dated 20.1.2009 is hereby set aside and time is extended to incorporate the amendment in the statement of claim. Parties will appear before the Labour Court on **20.2.2017** and within a week from 20.2.2017 the petitioner will incorporate the amendment in the statement of claim.
5. After hearing hearing counsel appearing for the petitioner, I do not find any error in rejecting the application under Order 13 Rule 10 of the CPC. The petitioners are at liberty to file certified copy after obtaining the same from the office of the Assistant Labour Commissioner in accordance with law.

6. With the aforesaid observation, the writ petition stands finally disposed of.

Sd/-

(Sanjay K.Agrawal)
Judge

B/-