

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

WRIT PETITION NO. 3397 OF 2016

SHRIRAM TOUR AND TRAVELS THROUGH PROPRIETOR VINOD ASHOK
MAHAJAN
VERSUS
MANIBAI MOTIRAM VYAS

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Advocate for the Petitioner : Shri Wani Girish V.
Advocate for the Respondent : Shri Patil Vinod Prakash.

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CORAM: RAVINDRA V. GHUGE, J.

DATE :- 06th December, 2017

Per Court:

1 The Petitioner is aggrieved by the order dated 09.07.2015 by which, the application Exhibit-22 filed by the Petitioner/ original Plaintiff seeking issuance of summons to the concerned officer in the office of the Assistant Labour Commissioner, Jalgaon, has been rejected.

2 The learned counsel for the Petitioner strenuously submits that Regular Civil Suit No.429/2014 has been filed for seeking injunction simplicitor. The matter pertains to Shop No.24 at Deshpande Market, Jalgaon. The reason for seeking witness summons is to bring on record the details about the licence of the Petitioner to operate the shop under the Bombay Shops and Establishments Act. The said licence has not been renewed. The contention is that the witness summons would have ensured that the concerned officer would remain present before this Court along

with the record.

3 The learned Advocate for the sole Respondent has opposed this petition and prays for the dismissal of the same with costs.

4 I have considered the petition paper book and the impugned order in the light of the submissions of the learned Advocates.

5 There is no dispute about the contention of the Petitioner that the application for renewal of licence has been kept in abeyance. In fact, the Petitioner has stated in paragraph 3 of the application Exhibit-22 that he has received information under the Right to Information Act, 2005 that the licence has been cancelled.

6 Considering the above, when the factum of cancellation of the shop licence is on record, the Petitioner/ Plaintiff will have to contest the application for injunction on its own merits in the light of the facts available before the Court. I do not find that any purpose would have been served by summoning any officer from the office of the Assistant Labour Commissioner in this context. The impugned order is sound and well reasoned and cannot be branded as being perverse or erroneous.

7 This Writ Petition being devoid of merit is, therefore, dismissed.