

FARAD CONTINUATION SHEET

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

CIVIL APPLICATION NO.551/2017

IN

WRIT PETITION NO.5918/2014

WITH

CIVIL APPLICATION NO.552/2017

IN

WRIT PETITION NO.5919/2014

WITH

CIVIL APPLICATION NO.553/2017

IN

WRIT PETITION NO.5921/2014

WITH

CIVIL APPLICATION NO.554/2017

IN

WRIT PETITION NO.5922/2014

WITH

CIVIL APPLICATION NO.555/2017

IN

WRIT PETITION NO.5923/2014

WITH

CIVIL APPLICATION NO.556/2017

IN

WRIT PETITION NO.5924/2014

WITH

CIVIL APPLICATION NO.557/2017

IN

WRIT PETITION NO.5926/2014

WITH

CIVIL APPLICATION NO.558/2017

IN

WRIT PETITION NO.5927/2014

Office Notes, Office Memoranda of Coram, Appearances, court's orders or directions and Registrar's orders	Court's or Judge's orders
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Mr. Rajiv Patil, Senior Advocate with Ms. Priyanka Thakur for the applicant
Mr. Ravindra V. Paranjpe for the respondent No.1.

CORAM : K. K. TATED, J.
DATE : APRIL 11, 2017

P.C.:

1. Heard. All these civil applications are made by the workers for an order of injunction restraining the respondent from creating any third party right, title or interest in respect of the respondent's property situated at Plot No.16, MIDC, Satpur during pendency of the Writ Petitions.

2. Prayer clauses (a) and (b) of the civil application No.552/2017 read thus:

“a) This Hon'ble Court be pleased to grant interim injunction restraining the respondents, their agents, servants and any other persons appointed on behalf of them from alienating, selling, disposing the property or creating any third party rights in the property belonging to the respondent and more particularly situated at Plot No.16, MIDC, Satpur detailed in exhibit-B pending the final hearing of the Writ Petition No.5919/2014 along with Writ Petition Nos.5918/2014, 5921/2014, 5922/2014, 5923/2014, 5924/2014, 5926/2014, 5927/2014 before this Hon'ble High Court.

b) In the alternative the respondent company be directed to deposit entire amount

of full back wages and other consequential benefits arising from reinstatement till retirement of the petitioner and other workers in this Hon'ble High Court.”

3. The learned Sr.counsel for the applicant submits that during pendency of the Writ Petitions, the respondent company has created third party right, title and interest in respect of the portion of their property. Hence, they constrained to make the civil applications. He submits that if the entire property is disposed of by the company, nothing will survive in the Writ Petitions.

4. On the other hand, the learned counsel for the respondent company filed Affidavit-in-Reply dated 03.04.2017, wherein they stated that they sold and transferred Plot No.16/1, admeasuring 3040 sq.mtr. along with a shed to M/s. Eco Pipes Co. as per deed of assignment dated 28.03.2017. Paragraph 4(vii) of the said Affidavit-in-Reply reads thus:

“4(vii) That pursuance to news paper advertisement, the excess plot of land stood sold and transferred to M/s. Eco Pipe Company as per the Deed of Assignment dated 28.03.2017 which is registered with Sub Registrar of Assurances, Nashik at Sr.No.2068/2017 dated 28.03.2017. As a result of this transaction, the present civil application has become infructuous.”

5. The learned counsel for the respondent company submits that they sold the excess land admeasuring 3040 sq.mtr. out of total 30429 sq.mtr. Therefore, there is no question of granting any injunction.

6. The learned counsel for the respondent filed an additional affidavit dated 07.04.2017 duly affirmed by Aarti Saran, Director of the company stating that the respondent company will not dispose of the remaining property without permission of this court. Paragraph Nos.2 and 3 of the said additional Affidavit-in-Reply read thus:

1. I say that respondent company will not dispose off the remaining property without permission from this Hon'ble Court.

2. I say to avoid repetition and since the common award dated 30.03.2013 is challenged by another similarly placed ex-employees. The present affidavit be treated as an affidavit filed by me in remaining civil application being civil application in Writ Petition No.551/2017, 553/2017 to CAW No.558/2017."

7. Considering the submissions made by the learned counsel for the respondent and as the Director of the respondent company made a statement on solemn affirmation before this court by way of affidavit dated 07.04.2017 that they will not dispose of the remaining property without

permission of this court, it is not necessary to pass any injunction order against respondent Company till disposal of the present Writ Petitions.

8. The statement made by the Director of the respondent company is accepted. Same shall be continued till disposal of the Writ Petitions.

9. All civil applications stand disposed of accordingly.

JUDGE