

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

**LETTERS PATENT APPEAL NO.112 OF 2010
IN
WRIT PETITION NO.9056 OF 2007**

D.N.Gaikwad & Ors. ... **Appellants**
V/s.

Poona Oxygen & Acctylene
Co. (P) Ltd. & Ors. ... **Respondents**

.....

None for the Appellants.

Mr.A.K.Gopalan i/b. Haresh Mehta & Co., Advocate for the
Respondents No.1

....

**CORAM : V. M. KANADE &
A. M. BADAR JJ.**

DATED : 6th June 2017.

P.C.

1 None appeared on behalf of appellants. Heard learned counsel appearing on behalf of respondent No.1. We have perused the order passed by the Labour Court which has been confirmed by the Industrial Court and by the leaned Single Judge.

2 The Labour Court as well as Industrial Court have given cogent reasons while dismissing the complaint filed by the appellants. The leaned Single Bench also while confirming the

said two orders passed by the Labour Court and Industrial Court has made an in-depth analysis of the material on record and thereafter, held that the finding of the Labour Court and Industrial Court was correct. The learned Single Judge confirmed the view taken by the Labour Court and Industrial Court and has observed that there has been a closure in fact and the requirement for a valid retrenchment of the existing workmen have been duly fulfilled and moreover, provisions of Chapter V-B are not attracted.

3 It is well settled that the Letters Patent Appeal is not treated as statutory First Appeal and this Court is not expected to re-appreciate the material on record while examining the order passed by the learned Single Judge. We are, therefore, not inclined to interfere with the orders passed by the learned Single Judge and the Labour Court as well as by the Industrial Court.

4 There is no merit in the appeal. Appeal, therefore, is dismissed.

(A. M. BADAR J.)

(V. M. KANADE J.)