

Shailaja

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION 8132 OF 2017

Shri Bhogawati Sahakari Sakhar Karkhana] Petitioner

Vs.

Shri Ananda Ishwar Kumbhar & Ors.] Respondents

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Mr. Kiran Bapat i/b Mr. Prashant Bhavake, for petitioner.

Mr. A.V. Bukhari, Sr. Advocate i/b Mr. Kedar P. Lad, for respondents No. 1 to 451.

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CORAM : R.G. KETKAR, J.

DATE : 3rd AUGUST, 2017.

P.C.

Heard Mr. Bapat, learned Counsel for the petitioner and Mr. Bukhari, learned Senior Counsel for respondents No. 1 to 451. Mr. Bukhari states that he has instructions to accept and waive service on behalf of respondents No. 452 to 471 and assures that within one week from today appearance will be filed on their behalf.

2. Mr. Bukhari states that Mr. Rahul Ravaso Dongale, respondent No. 396 is present in the Court. He has tendered photo copy of Aadhar Card which is taken on record and marked 'X' for identification. Upon taking instructions from him, Mr. Bukhari states that by consent impugned orders dated 3rd March, 2017 and 27th March, 2017 below Exhibit-U-2 in Complaint [U.L.P] No. 82

of 2017 passed by the learned Industrial Court No.1, Kolhapur [for short 'Tribunal'] may be set aside and application Exhibit-U-2 may be restored to the file of the Tribunal. He submitted that complaint is fixed before Tribunal on 8th August, 2017. Respondents will file rejoinder to the reply filed by the petitioner along with documents in support of their case. Mr. Bapat submits that even petitioner will file documents in support of its case.

3. In view thereof, by consent of the parties, Petition is disposed of in following terms:

- [1] Impugned orders dated 3rd March, 2017 and 27th March, 2017 passed by the Tribunal below Exhibit-U-2 in Complaint [U.L.P] No. 82 of 2017 are set aside.
- [2] Application Exhibit-U-2 is restored to the file of the Tribunal.
- [3] Respondents shall file rejoinder on or before 8th August, 2017 along with documents and serve copy in advance on the other side.
- [4] Petitioner shall also file documents on or before 11th August, 2017.
- [5] The Tribunal is requested to dispose of Application Exhibit-U-2 as early as possible and within four weeks from 11th August, 2017.
- [6] The Tribunal will pronounce the order first in application Exhibit-U-2 in Complaint [U.L.P] No. 178 of 2015 and thereafter will pronounce the order in

Application Exhibit-U-2 in Complaint No. 82 of 2017.

- [7] All the contentions of the parties on merits are expressly kept open.
- [8] The Tribunal will decide application Exhibit U-2 uninfluenced by the observations made in the order dated 27th July, 2017.
- [9] Rule is made absolute accordingly with no order as to costs.

[R.G. KETKAR, J.]