

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

WRIT PETITION NO. 8464 OF 2016

Maharashtra Samarth Kamgar Sangathna ... Petitioner

vs.

Bhartiya Kamgar Sena & anr. ... Respondents

Mr. Neel G. Helekar, for the petitioner.

Mr. Kiran S. Bapat i/by Avinash H. Fatangare, for respondent no.1.

Mr. Ravindra V. Paranjpe, for respondent no.2.

Coram : K.K. Tated, J.

Date : 22nd March, 2017

P.C. :

1. Heard learned counsel for the parties. By this petition under Article 226 and 227 of Constitution of India the petitioner is challenging the orders dated 14/06/2016 and 23/06/2016 passed by the learned Judge, Industrial Court, Mumbai below Ex.U-27 and Ex.U-29 in Application (MRTU) No. 20 of 2011 rejecting petitioner's application for accepting affidavit of additional witnesses namely Mr. Hamid Aziz Thakur and Mr. Vincent Simon Luzer.

2. The learned counsels appearing for the respondents submit that they have no objections to allow the writ petition by setting aside the impugned orders dated 14/06/2016 and 23/06/2016 directing Industrial Court to take on record the affidavit of additional witnesses as mentioned above in the

petition with liberty to cross-examine him by them.

3. The learned counsel appearing for the petitioner on instructions from his client makes a statement that they do not want to examine any other witnesses except these two witnesses as stated above. The statement is accepted.

4. Both the counsels for the parties submit that next date before the Industrial Court is 04/04/2017 and on that date they will try to complete the cross-examination of these two witnesses. Hence by consent by both the counsels following order :

Order

- a. Order dated 14/06/2016 below Ex.U-27 and order dated 23/06/2016 below Ex.U-29 in Application (MRTU) No. 20 of 2011 is set aside.
- b. Application filed by the petitioner below Ex.U-27 dated 14/06/2016 is allowed.
- c. The Industrial Court to accept the evidence of additional witnesses namely Mr. Hamid Aziz Thakur and Mr. Vincent Simon Luzer.
- d. The statement made by the learned counsel for the petitioner that the petitioner does not want to examine any other witnesses except that stated above is accepted.
- e. Liberty granted to the respondents to cross-examine the witnesses on 04/04/2017 or any other date as per the convenience of the Court.
- f. The petition stands disposed off accordingly.
- g. Parties to act on authenticated copy of the order.

[K. K. TATED, J.]