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IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.8548 OF 2017

Tata Motors Limited
Pimpri, Pune – 411 018

..PETITIONER

VERSUS

Prakash Arjun Mugade & anr.

..RESPONDENTS

WITH

WRIT PETITION (ST.) NO.20090 OF 2017

Tata Motors Limited
Pimpri, Pune – 411 018

..PETITIONER

VERSUS

Suresh Sopan Phale & anr.

..RESPONDENTS

Mr Kiran Bapat, instructed by Haresh Mehta & Co. for petitioners

CORAM : PRASANNA B. VARALE, J.

DATE : 23rd January, 2018

ORAL ORDER:

Heard Mr Bapat, learned Counsel appearing for the petitioners.

2. By way of the praecipe, the petitioners pray for clarification/speaking to the minutes of the common order dated 29th September, 2017, passed by this Court in two petitions, namely, Writ Petition No.8548 of 2017 and Writ Petition (St.) No.20090 of 2017.

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3. At the outset, Mr Bapat, learned Counsel appearing for petitioners submitted that notice was given to the respondents and an affidavit of service of notice is also placed on record. None appears for the respondents. Perusal of the order of the learned Single Judge, dated 17th January, 2018 shows that even on that date none had appeared for the respondents.

4. On perusal of the material as well as the aforesaid order passed by this Court, I find considerable merit in the submission of Mr Bapat. This Court, while referring to the submissions of Mr Bapat, in paragraph 10 recorded the submission that “Mr Bapat submitted that Mr Kashid is management's representative Engineer and is not a legally trained person.” An error is occurred in the earlier statement while referring to the submissions of Mr Bapat. It is erroneously referred to as “Mr Bapat then submitted that the representative of the management Mr Kashid is only possessing law degree, but he is not a practicing lawyer.” Similar mistake has occurred in paragraph 15. Mr Bapat was also justified in submitting that a heavy reliance was placed on the judgment of the Apex Court, in the matter of Crescent Dyes and Chemicals Ltd. By a typographical error, it is stated that “by referring to the judgments of the Apex Court in Crescent Dyes and Chemicals Ltd. and in Board of Trustees (supra), which was heavily relied on by the learned Counsel for respondent..”.

5. Considering the aforesaid facts, the order dated 29th September, 2017 is modified to that effect by deleting the incorrect statement and by

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correcting the errors at paragraphs 10, 15 and 16. The order dated 29th September, 2017 be accordingly modified to that effect.

(PRASANNA B. VARALE, J.)

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