

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
WRIT PETITION NO.1098 OF 2017**

Mehta Vakil and Company Pvt. Ltd. ... Petitioner
versus
Deepak Manohar Chavan and Anr. ... Respondents

**WITH
APPELLATE SIDE WRIT PETITION (ST) NO.30782 OF 2017**

Deepak Manohar Chavan ... Petitioner
versus
M/s. Mehta Vakil and Company Pvt. Ltd. ... Respondent

Mr. R.S.Pai with Mr. Anand Pai i/by M/s. Sanjay Udeshi and Co., for Petitioner in WP No.1098 of 2017 and for Respondent in WPST No.30782 of 2017.

Mr. Samarth R. Moray, for Respondent No.1 in WP No.1098 of 2017 and for Petitioner in WPST No.30782 of 2017.

Mr. O.A.Das, for Bank of India.

**CORAM: S.J. KATHAWALLA, J.
DATE: 7TH DECEMBER, 2017**

P.C.:

1. Heard the learned Advocates for the parties and by consent, the following order is passed :

(i) The order dated 29-06-2016 rejecting the prayer seeking Issue Nos.1 and 3 to be decided as preliminary issues, is set aside.

(ii) The 10th Labour Court, Mumbai shall decide Issue Nos.1 and 3 as preliminary issues.

(iii) As far as the Bank of India, Stock Exchange Branch is concerned, they have given inspection of the cheques/slip books issued by M/s. Mehta Vakil and

Company Private Ltd. for the period October and November, 2006 to the Respondent - Deepak Chavan. Certain cheques which according to the Respondent are in his hand writing and he has withdrawn amounts on behalf of M/s. Mehta Vakil and Company Private Limited, are taken on record. The same shall be sent to the 10th Labour Court, Mumbai in a sealed cover. If the Respondent is interested in taking further inspection, the same shall be completed within a period of four days i.e. between 8th December, 11th to 13 December, 2017. The cheques/slip books identified by the Respondent before the Bank Officer shall be produced before the 10th Labour Court, Mumbai, as and when directed to do so. However, photostat copies of the same may be given to the Petitioner and Respondent upon payment of necessary charges.

(iv) The parties shall appear before the 10th Labour Court, Mumbai on 14th December, 2017 at 11.00 a.m., and obtain necessary directions.

(v) The 10th Labour Court shall endeavour to decide issue Nos.1 and 3 within a period of 12 weeks from the date of this order.

(vi) The 10th Labour Court, Mumbai shall also allow the parties to lead evidence if any.

(vii) All contentions of the parties are kept open.

(viii) The above Writ Petitions are accordingly disposed off.

(S.J.KATHAWALLA, J.)