

belong to him. He, accordingly, applied for examination of these signatures through Handwriting Expert. That was his miscellaneous application under Section 67 of the Indian Evidence Act. The impugned order of the Labour Court on this misc. application discloses a complete non-application of mind. The application is rejected purportedly on the footing that merely because first party company has taken a defence that second party is not its employee, it is not sufficient to deny the relationship of employer and employee, for whatever it means. The question before the Labour Court in the reference was whether the signatures claimed to be of the employee in fact belong to him. The legal argument, whether any particular defence would or would not be sufficient to deny relationship, has no bearing on this issue. The signatures themselves *prima facie* disclose certain disparities and would in fact need to be examined. The request for referring them to handwriting expert, thus, appears to be clearly in order, though it is the case of the company in the present case that the employee's signatures are contained in various documents, which also may be referred to the handwriting expert likewise for examination. There is no difficulty for such examination.

4 In the premises, Rule is made absolute and the writ petition is allowed by quashing and setting aside the impugned order dated 9 September 2014 passed by the Labour Court No.1, Kolhapur and allowing the Petitioner's application, being Exhibit 'U-27'. It is also directed that along with documents set out by the Petitioner in Exhibit 'U-27', other documents indicated by the Respondent-company may also be sent likewise to the handwriting expert for his examination. The examination costs for the documents referred to in Exhibit 'U-27' shall be borne by the Petitioner.

So far as other documents required by the Respondent-company are concerned, the costs for their examination shall be borne by it.

(S.C. GUPTE, J.)