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IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

CIVIL APPLICATION NO.1551 OF 2018

IN

WRIT PETITION NO.237 OF 2004

Bhau S/o. Ramchandra Shelar And Ors.

...Applicants

In the matter between

Vijay Kashinath Pandare

...Petitioner

vs

M/s. Balsara Hygenic Products Ltd. & Ors.

...Respondents

.....

Mr. Y.P. Deshmukh, i/b. Ms. Vaidehi Deshmukh, for the Petitioner.

Mr. Naushad Engineer, a/w. Mr. Durgaprasad Poojari, i/b. PDS Legal, for Respondent No.5.

.....

CORAM : S.C. GUPTE, J.

DATED: JULY 26, 2018

P.C. :

. This civil application seeks substitution of the Applicants in place of the original Petitioner or add them as Petitioner Nos. 2 to 59. The petition is filed by the original Petitioner on behalf of 174 employees of the Respondent Company. The immediate controversy in the petition concerns a voluntary retirement scheme introduced by Respondent No.1. (In course of time Respondent No.1 was taken over by Dabur India Ltd., who has since been impleaded as Respondent No.5 to the petition.) The petition has been pending for a long time. It is the case of the present Applicants, who are 57 in number, that the original Petitioner, who was

espousing the cause of 174 employees, has lost interest in the matter and is not diligently prosecuting the petition. The Applicants, as persons on whose behalf the petition was filed, in the first place, seek either substitution or impleadment as Petitioners in the premises. The civil application was sought to be served personally as well as through Advocate on the original Petitioner, both of whom have refused to accept service. The Advocate apparently has been discharged by the original Petitioner.

2. The original Respondent, now represented by Respondent No.5, has no objection to this application in principle. It is, however, submitted that one of the reliefs sought in the petition is for reinstatement; during the pendency of the petition, however, some of the employees have expired and the application is presented through some individuals, who claim to be their heirs. Learned Counsel for the Applicants assures the Court that the Applicants are no more pressing for their reinstatement, but would like to restrict their claim to monetary dues.

3. In the premises, the civil application is allowed by adding the Applicants as Petitioner Nos. 2 to 59. Learned Counsel for Respondent No.5 submits that the question as to whether those of the Applicants, who claim to be legal heirs of the deceased employees, are in fact legal heirs of the deceased, shall be kept open to be argued at the hearing of the petition. It is clarified accordingly. The writ petition is now ripe for hearing and shall, accordingly, be placed on the weekly board of 9 August 2018. Respondent No.5 shall be at liberty to file a

reply to the petition.

Smita
Johnson
Gonsalves

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by Smita Johnson
Gonsalves
Date: 2018.07.30
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(S.C. GUPTE, J.)