

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

Civil Revision no.8275 of 2016
Date of Decision:31.07.2018

Bhim Sain

.....Petitioner

Vs.

M/s Ithad Motor Transport Pvt. Ltd. (K.Group)

....Respondent

CORAM : HON'BLE MR.JUSTICE AMOL RATTAN SINGH

Present: Mr.Manohar Lall, Advocate,
for the petitioner.

Mr.B.S.Sudan, Advocate,
for the respondent.

AMOL RATTAN SINGH, J. (Oral)

Though learned counsel for the petitioner has very correctly pointed out that the learned Labour Court vide its impugned order has wholly missed the fact that the year 2005-06 (as per the Gregorian calendar) is the same as 1926-27 of an Indian calendar, which can also be seen from the fact that in the certificate of incorporation of the Company (Annexure P-1) the date as per the Indian calendar is given as Ashwin 8, 1927, with the date of the Gregorian calendar given as September 13, 2005; however, Mr. Sudan, learned counsel for the respondent Management, submits that the previous company, known as M/s Ithad Motor Transport Pvt. Ltd. (K Group), has been taken over by the M/s Ithad Motor Transport (India) Pvt. Ltd. and that the company otherwise does not deny its liability if such is eventually

proved even against the former company, i.e. M/s Ithad Motor Transport Pvt. Ltd.(K Group).

In view of the statement made, I see no reason to set aside the impugned order, by which amendment in the written statement of the respondent Management has been allowed, with the new name of the company substituted therein.

It is thus made clear (without commenting on the merits of the dispute raised by the petitioner), that if eventually the petitioner succeeds before the Labour Court, the respondent company shall be held bound to the statement made before this Court today.

However, no comment is made by this Court on the merits of the dispute, in any manner whatsoever.

Disposed of.

July 31, 2018

dharamvir

**(AMOL RATTAN SINGH)
JUDGE**

Whether speaking/reasoned : YES/NO

Whether Reportable : YES/NO