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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

CIVIL APPLICATION NO.415 OF 2019

IN

WRIT PETITION NO.1092 OF 2018

The Municipal Corporation of
Greater Mumbai

.. Applicant

In the matter between

Kachara Vahtuk Shramik Sangh

.. Petitioner

Vs.

The Municipal Corporation of
Greater Mumbai

.. Respondent

Ms. Jane Cox a/w Ms. Jignasha Pandya I/b. Ms. Karishma Rao for the
petitioner.

Mr. R.N.Shah a/w B.V. Bukhari & Santosh Parad for the applicant–respondent.

CORAM : A.K. MENON, J.

DATED : 21ST FEBRUARY, 2019.

P.C. :

1. This matter was circulated yesterday on account of the request on behalf of the Applicant Corporation to extend time to file a fresh written statement. This Court has while disposing the above petitions on 14th August, 2018 had set out a time table for disposing Reference (IT)no.81 of 2005 pending before the Industrial tribunal. According to the petitioner, they have complied with the direction in paragraph 4(i) by the scheduled date and had filed an additional written statement. However, on behalf of the petitioner an application for amendment

had been taken out to deal with the additional written statement. Considering the extent of the amendment sought, the tribunal directed the respondent to file a fresh Statement of Claim which has accordingly been done and served upon the petitioner–corporation on 12th February, 2019 running into 98 pages.

2. As a result the Applicant Corporation sought time to file a fresh written statement. The Industrial Court directed the corporation to file the fresh written statement on or before 28th February, 2019 and placed the matter today, failing which the Court was inclined to pass an order of “No written statement”. Mr. Shah submits that more time is required to file the fresh written statement. The application today seeks modification of the time table.
3. In the circumstances, it appears that it will be impractical to maintain the time line specified in clause 4 of the order dated 14th August 2018 since it is stated on behalf of the respondent that they propose to examine eight witnesses and in addition may have to summon four additional witnesses. Obviously the time lines specified for completion of evidence is therefore insufficient. It is also likely to burden the tribunal with a compressed schedule. In this view of the above, it will be appropriate that the time table be modified as follows.
 - (i) Fresh written statement on behalf of the Corporation will be filed on or before 6th March, 2019. Copy of the same will be provided in

advance to the Advocates for the petitioner.

(ii) The petitioner shall file the affidavit in lieu of examination in chief of their first witness Mr. Dadarao Patekar on or before 13th March, 2019. Subsequent affidavits will be handed over prior to completion of cross examination of each succeeding witness. In view of both sides stating today that the documents are voluminous, time to complete the evidence on behalf of the petitioner including cross examination of witnesses on behalf of the petitioner and those summoned at their request is extended upto 30th April, 2019.

(iii) Evidence on behalf of the corporation will be completed on or before 30th July, 2019.

(iv) Final arguments would then commence forthwith thereafter and time to conclude arguments and make the award is therefore extended upto 30th September, 2019.

(iv) It is made clear that these time lines have been modified by consent of parties and neither party will take any adjournments on the dates fixed by the tribunal.

(v) The tribunal is free to impose costs on any party seeking adjournment without just cause.

(vi) Civil application is disposed in the above terms.

(A.K.MENON,J.)