

BDP-SPS

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D. Pandit

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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
CIVIL APPELLATE JURISDICTION  
WRIT PETITION NO. 3648 OF 2019**

Mr. Suresh Nandi

..... Petitioner.

V/s

The Printers (Mysore) Pvt. Ltd.

And Anr.

..... Respondents.

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Mr. Bennet D'costa with Jignasha Pandya for the Petitioner.

Mr. T.R. Yadav for the Respondents.

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**CORAM: NITIN W. SAMBRE, J.**

**DATE: 26<sup>th</sup> July, 2019**

**P.C.:-**

1] This Petition can be conveniently disposed of finally at the stage of admission by consent of parties.

2] The impugned order dated 22<sup>nd</sup> October, 2018 passed by Labour Court, Mumbai in of Reference (IDA) No.55 of 2017, in my opinion, is liable to be quashed and set aside for the following reasons.

3] In reference proceedings, after pleadings of respective parties

were completed, Petitioner sought addition of certain factual matrix resisting the claim in question. As far as amendment to the Written Statement is concerned, same has based on already existing pleadings borne out of the inquiry proceedings. As the respondents are not taken by surprise by such amendment, in my opinion, the order impugned is not sustainable. As such, same is quashed and set aside.

4] Application at Exh. U-6 stands allowed. Amendment be carried out within four weeks before the Labour Court to which Respondents will be entitled to file their reply. If amendment is not carried out within four weeks from today, order granting amendment shall stand revoked without further reference to the Court.

5] Petition is accordingly allowed in the aforesaid terms and disposed of.

( NITIN W. SAMBRE, J. )