

HONOURABLE SRI JUSTICE M.S.RAMACHANDRA RAO

CIVIL REVISION PETITION No.1011 of 2019

ORDER:

This Revision is filed challenging the order dt.25-02-2019 in I.A.No.85 of 2018 in E.I.C.No.37 of 2009 of the Employees Insurance Court and the Chairman, Industrial Tribunal-I at Hyderabad.

2. Petitioners herein are respondents in the said case.
3. They had filed the case along with certain documents on 22-03-2012. Thereafter they examined three witnesses as R.Ws.1 to 3, but the evidence of R.W.1 was eschewed. Through R.Ws.2 and 3 initially Exs.R-1 to R-12 were marked.
4. Thereafter I.A.Nos.185 and 186 of 2018 were filed to recall R.W.3 to mark more documents. Those applications were allowed and R.W.3 was recalled and examined and Exs.R-13 to R-17 were marked through him on 24-09-2018. Thereafter the matter was reserved for orders on 24-12-2018.
5. Subsequent thereto, petitioners filed I.A.No.85 of 2019 again to recall R.W.3 to mark three more documents claiming that they were not marked earlier.
6. By order dt.25-02-2019, the Court below dismissed the said application. It recorded that opportunity was given earlier for recall of R.W.3 to mark Exs.R-13 to R-17. Then it referred to Ex.R-3, which showed that respondent had engaged 17 employees on the date of visit

of the Officials of the petitioners and also to Ex.R-2 the Visit Note. It then referred to the preliminary enquiry report and its annexures dt.11-06-2018 and on the ground that it is subsequent to the filing of the case, refused to allow it.

7. Challenging the same, this Revision is filed.

8. Learned counsel for petitioners contended that the three documents now sought to be marked by recalling R.W.3 are list of 39 employees employed by respondent at its Kothapet Unit dt.11-06-2008, Visit Note dt.11-06-2008 in respect of the said unit and Preliminary Survey Report dt.11-06-2008. He contended that the Court below wrongly noted the date of the Preliminary Enquiry Report as 11-06-2018 instead of 11-06-2008.

9. It is important to note that through R.Ws.1 to 3 initially Exs.R-1 to R-12 were marked and the documents which are now sought to be marked were already on record, but no attempt was made to mark them. Thereafter petitioners filed I.A.Nos.185 and 186 of 2018 for recall of R.W.3 and four other documents were marked as Exs.R-13 to R-17 on 24-09-2018. Thereafter the matter was reserved for orders on 24-12-2018.

10. It is at that stage, I.A.No.85 of 2019 has been filed seeking to mark some more documents.

11. Petitioners cannot claim that the Court should recall a witness whenever the petitioners want to mark documents. When opportunity was given by the Court below to mark documents through R.W.3 by

allowing I.A.Nos.185 and 186 of 2018, petitioners ought to have been diligent enough to mark whatever material they wanted to mark in evidence. They cannot be permitted to file applications after the case was reserved for orders by the Court.

12. Therefore, I do not find any error of jurisdiction in the order passed by the Court below warranting interference by this Court under Article 227 of the Constitution of India.

13. The Civil Revision Petition fails and it is accordingly dismissed. No costs.

14. As a sequel, the miscellaneous petitions, if any pending, shall stand closed.

JUSTICE M.S.RAMACHANDRA RAO

Date: 18-04-2019
Vsv