

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH AT NAGPUR

CIVIL APPLICATION (CAO) NO.391 OF 2020
IN
MISCELLANEOUS CIVIL APPLICATION STAMP NO.3529 OF 2020
IN
WRIT PETITION NO.760 OF 2008(D)

Ahuja Pen Mart through its Proprietor, Nagpur.

Vs.

Padmakar Santosh Bhoskar, Nagpur.

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders

Court's or Judge's orders

Mr. S. S. Ghate, Advocate for applicant.

Mr. D. C. Naukarkar, Advocate for non-applicant.

CORAM : AVINASH G. GHAROTE, J.

DATE : MARCH 05, 2020.

The Writ Petition No.760 of 2008, challenging the award passed in reference IDA No. 96 of 2000 decided on 31.07.2007, by the learned Second Labour Court, came to be admitted on 01.10.2008 and stay in terms of prayer clause (iii) came to be granted. The petition was dismissed in default on 27.06.2014, as result of which, the interim order also stood vacated.

On 29.01.2020, the respondent issued a notice to the petitioner seeking reinstatement in terms of the order passed by the learned Second Labour Court, in which the factum of dismissal of the writ petition was stated, in view of which the petitioner woke from his slumber and filed the instant application for restoration.

Mr. Ghatge, learned counsel for the petitioner submits that the mistake was on part of the counsel in not marking the matter and remaining absent on the day it was listed. He submits that due to the fault on part of the counsel, the petitioner should not be put to loss.

Shri. Naukarkar, learned counsel for the respondent is not able to point out as to what steps were taken, consequent to 27.06.2014, till the date of issuance of notice on 29.01.2020, in the matter of enforcing the impugned order of the learned Labour Court as the Stay granted by this Court stood vacated due to dismissal of the petition on 27.06.2014.

Considering the matter was already admitted and stay was granted, the delay in filing the application for restoration is condoned, subject to the payment of costs of Rs.20,000/- to be paid to the respondent within a period of two weeks. On such cost being paid, the petition shall stand restored.

List the matter, thereafter for final hearing on 27.03.2020 in the eventuality the matter is restored.

Civil Application is allowed in the above terms.

JUDGE