

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

SECOND APPEAL NO. 473 OF 2017
WITH
CA/9236/2017 IN SA/473/2017
WITH
CA/9236/2017 IN SA/473/2017

LAXMAN S/O VISHWANATH KHANDAGALE DEAD THROUGH
LRS. SHINDHU LAXMAN KHANDAGLE AND OTHERS.

VERSUS

TILAKNAGAR INDUSTRY LTD. THROUGH ITS
MANAGER, M.R.K NAYAR

WITH

SECOND APPEAL NO. 474 OF 2017
WITH
CA/9237/2017 IN SA/474/2017
WITH
CA/10974/2017 IN SA/474/2017

VILAS S/O SAKHAHARI UBALE
VERSUS

TILAKNAGAR INDUSTRY LTD. TILAKNAGAR, TQ. SHRIRAMPUR,
DIST. AHMEDNAGAR THROUGH ITS MANAGER

WITH

SECOND APPEAL NO. 256 OF 2018
WITH
CA/4310/2017 IN SA/256/2018
WITH
CA/4311/2017 IN SA/256/2018

RAMBHAU NAMAN SONAWANE
VERSUS

TILAKNAGAR INDUSTRY LTD. TILAKNAGAR, TQ. SHRIRAMPUR,
DIST. AHMEDNAGAR THROUGH ITS MANAGER

....
Mr. S.L. Bhapkar, Advocate for the Appellant
Mr. V.P. Latange, Advocate for Respondent
....

CORAM : SHRIKANT D. KULKARNI, J.

DATE : 20th DECEMBER, 2021

FINAL ORDER :-

1. These appeals can be disposed of finally at admission stage by common order.
2. Heard Mr. S.L. Bhapkar, learned counsel for the appellants and Mr. V.P. Latange, learned counsel for respondents in respective appeals.
4. Mr. S.L. Bhapkar, learned counsel for the appellants invited my attention to the impugned judgments and decrees passed by the trial Court in respective suits as well as judgments and orders passed by the first appellate Court in respective Regular Civil Appeals
5. Mr. Bhapkar, learned counsel for the appellants submits that both the Courts below have committed an error in law and facts while decreeing the suits. It is necessary to set aside the impugned judgment and decrees passed by the Courts below. He

submits that both the Courts below have not properly exercised their jurisdiction and not properly appreciated the pleadings and evidence on record and arrived at incorrect conclusion. He submits that it is necessary to allow these second appeals by setting aside the decision of both the Courts below.

6. Per contra, Mr. Latange, learned counsel for the respondents in respective appeals supported the findings recorded by the Courts below. He submits that there is no merit in these second appeals and these appeals are liable to be dismissed in limine.

7. It is submitted across the Bar that this Court was pleased to dismiss the Second Appeal No. 787 of 2017 with civil application nos. 15243/2017 and 15244/2017 by giving certain time period to the appellant to vacate the suit premises as like the other workers and hand over the vacant possession to the respondent.

8. Both the Courts below have recorded concurrent findings. I do not see any error on the part of the Courts below in arriving at such conclusion. The appellants were appointed as workers by the respondent. The suit premises was assigned to them in the capacity as employees and there was employer-employee relationship

existed. Subsequently, the respondent has declared a lock out and the services of the appellants came to be terminated. Thus, relationship between the parties as employer-employee came to an end.

8. In identical set of facts, this Court has disposed of the batch of five appeals by granting six months time to the appellants/workers to vacate the suit premises. The same view needs to be taken in this Second Appeal.

9. With the above observations, all the Second Appeals stand dismissed in *limine*.

10. The appellants/employees shall vacate the suit premises within six months from today and hand over the vacant possession to the respondent without fail.

11. Accordingly, Second Appeals stand disposed of.

12. Pending civil applications, if any, also stand disposed of.

[SHRIKANT D. KULKARNI]
JUDGE