

Urmila Ingale

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

WRIT PETITION NO. 3778 OF 2021

Mrs. Susy Sebastian Petitioner
Vs.
Jitendra Omprakash Mishra & ors. Respondents

Mr. Vijaykumar Bhima Dighe, for the Petitioner.

CORAM : M. S. KARNIK, J.

DATE : 05th AUGUST, 2021

P.C. :

. Heard learned Counsel for the Petitioner. It is the grievance of learned Counsel for the Petitioner that the Petitioner has been impleaded as party respondent in the complaint of unfair labour practice filed by the employees without any notice to her and though she is not a necessary or a proper party. It is the Petitioner's case that she is no more concerned with the said company and for that purpose, Counsel relied upon the certificate of the Registrar of Companies indicating that the Petitioner had resigned. According to him, Application below Exhibit U-11 was allowed even without hearing the Petitioner. He submits that had an opportunity been given to the Petitioner, the Petitioner could have pointed out that the Petitioner had resigned

as a Director of the company and hence her presence is not necessary as a party respondent.

2. If it is the case of the Petitioner that the impugned order has been passed without hearing the Petitioner, it is always open for the Petitioner to approach the Industrial Court by bringing this aspect to the notice of the Industrial Court. If an application is made that the order has been passed ex-parte without notice to the Petitioner, Industrial Court will undoubtedly consider the same on its own merits and in accordance with law. It is open for the Petitioner to point out that the Petitioner is not a necessary party or proper party and pray for deletion of the name of the Petitioner as a party respondent which application shall be considered by the Industrial Court on its own merits and in accordance with law. I am informed that next date before the Industrial Court is 24/08/2021. Learned Counsel submits that appropriate application will be filed before the Industrial Court on or before 18/08/2021. The Industrial Court to consider the said application and decide the same on its own merits. Keeping this liberty open, Petition is disposed of.

(M.S.KARNIK, J.)