

Item No.1.

**IN THE HIGH COURT OF JUDICATURE AT CALCUTTA
CIVIL APPELLATE JURISDICTION
APPELLATE SIDE**

HEARD ON: 08.12.2021, 05.01.2022, 17.01.2022 and 12.05.2022

DELIVERED ON:12.05.2022

CORAM:

**THE HON'BLE MR. JUSTICE T. S. SIVAGNANAM
AND
THE HON'BLE MR. JUSTICE HIRANMAY BHATTACHARYYA**

**MAT 500 of 2021
With
I.A. No.CAN 1 of 2021**

**Ashok Jatia.
VERSUS
Balaram Banerjee & Ors.**

Appearance:-

**Mr. Kumar Jyoti Tewari,
Mr. Manas Kumar Das**

.....for the appellant.

**Mr. Soumya Majumdar,
Mr. Victor Chatterjee**

.. for the respondents.

JUDGMENT

(Judgment of the Court was delivered by T.S. SIVAGNANAM, J.)

1. This intra-Court appeal has been filed against the order dated 13th April, 2021 passed in W.P.A. No.20315 of 2014. The said writ petition was filed challenging an order passed by the First Labour Court, West Bengal in Case No.COMP.39/96 dated 19th May, 2014 filed under Section 33C(2) of the Industrial Disputes Act, 1947. The said application was rejected by the Labour Court by the order impugned in the writ petition. The learned single Bench allowed the writ application setting aside the order passed by the Labour Court dated 19th May, 2014 and directed the Labour Court to decide the application under Section 33C(2) of the said Act of 1947 within a time frame. The respondent no.2 in the writ petition was directed to deposit Rs.7 lakhs with the Registrar General of this Court, which was to be kept in a short term interest bearing fixed deposit in any nationalised bank. That amount has duly been deposited. The second respondent in the writ petition is the appellant before us.

2. We have heard Mr. Kumar Jyoti Tewari, learned advocate for the appellant and Mr. Soumya Majumdar, learned advocate appearing for the respondents.

3. When the appeal was heard by us on 8th December, 2021, we made a suggestion to the learned Advocate appearing for the appellant that the dispute can be resolved, more particularly when the writ petitioner / workman died at the age of 92 years and his legal heirs have no other means of livelihood and are living below the poverty line, the learned counsel appearing for the appellant very fairly submitted that he will obtain appropriate instruction from his client and revert back. Subsequently, the matter was heard on 5th January, 2022. On the said date, the Court made a suggestion that the appellant may pay a sum of Rs.4 lakhs to the respective legal heirs of the deceased workman as full and final settlement of all the claims from the side of the deceased writ petitioner's legal heirs making it clear that there will be no more claims if the said amount is paid to the legal heirs. This suggestion was also accepted by the appellant on account of the persuasive efforts of the learned Advocate appearing for the appellant.

4. Subsequently, the matter was heard by us on 17th January, 2022, on which date, we issued certain directions so that the amount can be paid in three instalments.

5. The learned Advocate appearing for the legal heirs of the deceased writ petitioner submits that his clients have received the entire sum of Rs.4 lakhs in three instalments and to the said effect, they have also given necessary instructions to him.

6. In the light of the above settlement arrived at between the parties, we are of the view that the order and direction issued in the writ petition would not any longer survive and the same is required to be set aside.

7. In the result, the appeal is allowed and the order impugned in the writ petition is set aside in the light of the settlement arrived at by the parties, which we have recorded above. We appreciate the efforts taken by the learned Advocates appearing for the parties in bringing about a settlement of a dispute, which was lingering for nearly two decades.

8. The photocopy of the bank remittance done by the appellant has been produced before us and the same is placed on record.

9. The appeal and the connected application are disposed of.

10. No costs.

11. Urgent photostat certified copy of this order, if applied for, be furnished to the parties expeditiously upon compliance of all legal formalities.

(T.S. SIVAGNANAM, J)

I agree,

(HIRANMAY BHATTACHARYYA, J.)

NAREN/PALLAB (AR.C)