

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO.13044 OF 2021

LATUR DISTRICT CENTRAL COOPERATIVE BANK LTD THROUGH ITS
CHAIRMAN
VERSUS
BANK KARMACHARI SANGH THROUGH ITS PRESIDENT

Mr.A.S.Deshpande, Advocate for the petitioner.

(CORAM : BHARATI H. DANGRE, J.)

DATE : JANUARY 10, 2022

PER COURT :

1. The petition is filed by the petitioner being aggrieved by an order passed by the Labour Court at Latur, thereby restoring the BIR case No.02/2010 filed by the original applicant, which was dismissed in default but came to be restored by the impugned order, on being satisfied that the reasons cited justify its restoration.

2. With the assistance of the learned counsel for the petitioner, I have perused the order passed below Exh.U-1 on 06/03/2019 when on account of the pendency of the proceedings since 2010, the Court has recorded that the applicant did not take any steps and presumed that

he is not interest in proceeding with the application and therefore was pleased to dismiss the case in default. The application was thereafter taken out for restoration of the BIR case on 16/04/2019, with the reason being cited that the Chairman of the applicant was suffering from cancer and he was undergoing treatment at the Tata Memorial Hospital and therefore could not prosecute the proceedings diligently.

Convinced by the aforesaid reasoning, the impugned order has restored the case to it's file, subject to payment of costs of Rs.2,000/-.

3. Perusal of the impugned order dated 11/08/2021 disclosed that the learned Court was impressed with the reasons cited, being the Chairman suffering from cancer. Though it is recorded that there is some discrepancy between the dates mentioned in one of the certificate filed by the applicant, the learned Judge has recorded that the entire case pleaded, and the reasons cited therein which precluded the party from prosecuting it's remedy effectively, cannot be said to be disbelieved.

For the reasons recorded, the application has been allowed.

4. On perusal of the same, I do not see any reason to interfere with

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the same since restoration is granted on account of the bonafide reasons cited therein. Necessarily the order is upheld and the writ petition is dismissed.

(BHARATI H. DANGRE, J.)