

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
INTERIM APPLICATION NO.3184 OF 2020
IN
FIRST APPEAL NO.152 OF 2021

Alpas Industries Limited] ... Applicant

Vs.

Santosh Deoraj Mishra] ... Respondent

...

Ms. Nandini Chittal for the applicant.

...

CORAM : SMT. BHARATI DANGRE, J.

DATED : 11TH APRIL, 2022.

P.C. :-

1. The appeal is filed by the appellant, working as a Sales Officer in the defendant-company, being aggrieved by the judgment dated 27/01/2020 passed by the City Civil Court, Greater Mumbai, in a suit filed by the plaintiff, who claims that he was made permanent and designated as Sales Officer. His service came to be terminated vide termination letter dated 12/08/1999 and claiming that the termination is illegal, because it failed to

adhere to the terms and conditions of the contract worked out between the parties and as reflected in the order of appointment, he approached the Civil Court seeking a declaration that his termination is illegal and it should be set aside being bad in law. He prayed for reinstatement in service along with backwages on the basis of his last pay along with increments. He also prayed for an alternative relief of compensation/damages to the tune of Rs.3,00,000/- along with interest.

2. The appeal being allowed by the court by recording that the plaintiff was wrongly terminated and, it amounted to breach of terms and conditions, the plaintiff was also held entitled to damages of Rs.3,00,000/-.

3. Heard the learned counsel for the appellant, who would place reliance upon the decision of the Hon'ble Apex Court in case of **S.S. Shetty v. Bharat Nidhi Ltd.** reported in **AIR 1958 SC 12** and the decision of the learned Single Judge of this court in the case of **Nishikant Narayan Kale v. Bajaj Tempo Ltd. (Now Force Motors Ltd.)** reported in **2017 (5) Mh.L.J. 924**.

4. Issue notice to the respondents. Notice is made returnable on 27/06/2022.

5. The applicant is at liberty to serve the respondents by private notice.

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6. The learned counsel for the applicant would submit that the applicant has a good case on merits and particularly the award of damages to the tune of Rs.3,00,000/- is sought to be contested by relying upon the authoritative pronouncements of the Hon'ble Apex Court as well as this court.

7. Subject to the deposit of the principal amount of Rs.3,00,000/- in this court, as directed by the trial court within four weeks from today, there shall be stay to the effect and operation of the impugned judgment and order.

8. Interim application is disposed off.

[SMT. BHARATI DANGRE, J.]