

Talwalkar

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

WRIT PETITION NO.12601 OF 2018

M/s. Bata India Ltd.

... Petitioner

Versus

The State of Maharashtra

Through Labour, Industries and Energy Dept. & Ors. ...Respondents

Mr. S.K. Talsania, Sr. Advocate along with Mr. Avinash Jalisatgi, advocate for the Petitioner.

Mr. A.P. Vanarase, AGP for Respondent -State.

Mr. P.D. Dalvi, Amicus Curiae.

Mrs. Varsha Anil Ekbote alongwith Ms. Trupti Anil Ekbote present in court.

CORAM : MADHAV J. JAMDAR, J.

DATE : 22nd July 2022

ARUNA S
TALWALKAR

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ARUNA S
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Date: 2022.07.22
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P.C. :

1 Leave to amend by impleading Ms. Trupti Anil Ekbote, daughter of deceased Respondent No. 3 and Respondent No. 3(a) as respondent No. 3(b) through her mother and natural guardian i.e. Respondent No. 3(a). Amendment to be carried out forthwith.

2 Heard Mr. S.K. Talsania, learned Senior Advocate alongwith

Mr. Avinash Jalisatgi for the petitioner and Mr. P.D. Dalvi, amicus curiae for Respondent No. 3(a) Varsha Anil Ekbote and 3(b) Trupti Anil Ekbote.

3 In Order dated 21/7/2022 this Court has recorded that the parties are negotiating settlement. With the efforts of Mr. S.K. Talsania, learned Senior Counsel alongwith Mr. Avinash Jalisatgi for the petitioner and Mr. P.D. Dalvi, amicus curiae for Respondent Nos. 3(a) and 3(b), the parties have settled the dispute. Respondent No. 3(a) Varsha Anil Ekbote and Respondent No. 3(b) Trupti Anil Ekbote are present in court. Thus, present Writ Petition is being disposed of by following order which has been passed with the consent of the parties.

4 The petitioner agrees and undertakes to pay a sum of Rs. 3,00,000/- (Rs. Three Lakhs only) to the Respondent Nos. 3(a) and (3b) within a period of 4 weeks from today. The respondent Nos. 3(a) and 3(b) agree and undertake to accept the said amount of Rs. 3,00,000/- (Rs. Three Lakhs only) in full and final settlement of their claim arising out of the employment or non-employment of the deceased Anil Ekbote i.e. original respondent No. 3 i.e. the deceased husband of the Respondent No. 3(a) and

the deceased father of the Respondent No. 3(b)

5 In view of the above agreement between the petitioner and Respondent Nos. 3(a) and 3(b), the impugned order of reference dated 9/6/2017 passed by the Deputy Commissioner of Labour, Thane is quashed and set aside.

6 In view of this order, proceedings before the Labour Court, Thane being Reference(IDA) No. 123 of 2017 is also disposed of.

7 Respondent No. 3(a) agrees and undertakes to submit duly filled application form to the Petitioner for gratuity as early as possible and preferably on Monday i.e. 25/7/2022.

8 It is clarified that, this order is passed, in the peculiar facts and circumstances of this case as the Respondent No. 3 is no more and his wife and daughter are suffering from severe financial hardships. It is also clarified that for passing this order Respondent No.3(a) has given consent on her own behalf and on behalf of Respondent No.3(b) in her capacity as

natural guardian.

9 Writ Petition is disposed of in the above terms.

10 This Court records appreciation of the learned Senior Counsel Mr. S.K. Talsania alongwith Mr. Avinash Jalisatgi, advocate for the petitioner and Mr. P.D. Dalvi, learned Amicus curiae who at the request of the Court agreed to represent Respondent Nos. 3(a) and 3(b) for taking efforts to settle the matter.

(MADHAV J. JAMDAR, J.)