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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION**

WRIT PETITION NO. 3710 OF 2022

Mahesh Hemdev ..Petitioner
VS.
Maruti N. Jadhav ..Respondent

Mr. Manoj Gujar a/w Mr. T.R.Yadav and Mr. Pradeep Kumar
i/b C.R.Naidu & Co., for petitioner.
None for the respondent.

CORAM : M. S. KARNIK, J.

DATE : NOVEMBER 17, 2022.

P.C. :

1. None for the respondent though he has been served with the Court's notice for final disposal as well the advocate's notice. The challenge in this petition is to an exparte award dated 18/09/2018 passed by the Third Labour Court, Mumbai directing reinstatement of the workman with continuity of service and full backwages with effect from 06/12/2014. An application was made for setting aside the exparte award by the petitioner-employer. By the judgment and order dated 19/04/2022, the Labour Court was of the opinion that the petitioner has failed to

show reasonable and sufficient cause for recalling the exparte order. It is the case of learned counsel for the petitioner that the notice of the proceedings was served on a wrong address and to a wrong person. It is submitted that there was no intention to avoid the process of Court.

2. As there is no contest to this petition and having regard to the submissions made by learned counsel for the petitioner for the grounds raised in the petition, I am inclined to set aside the impugned orders, however subject to imposing certain conditions.

3. Subject to the petitioner depositing a sum of Rs.2,50,000/- with the Third Labour Court, Mumbai without prejudice to the rights and contentions of either of the parties, within a period of four weeks from today, the impugned orders dated 18/09/2018 and 19/04/2022 are set aside. The restoration application (IDA) No. 12 of 2019 in Reference (IDA) No. 312 of 2016 stands allowed. The Labour Court to proceed. The petitioner to co-operate with the Labour Court in the expeditious disposal. Reference (IDA) No. 312 of 2016 is expedited.

4. The writ petition is disposed of. No costs. Needless to mention that the deposit made shall abide by the final outcome of the proceedings before the Labour Court.

(M. S. KARNIK, J.)