

Ashwini

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
INTERIM APPLICATION NO. 1756 OF 2022
IN
APPEAL NO. 455 OF 2015
WITH
NOTICE OF MOTION NO. 618 OF 2019
IN
APPEAL NO. 455 OF 2015
(Not on Board)

Shramik Janta Sangh	...Applicant
<i>In the matter between</i>	
Gaekwar Mills Kamgar Sangharsh Samiti	...Appellant
<i>Versus</i>	
Gaekwar Mills Kamgar Sangharsh Samiti & Ors	...Respondents

Ms Jane Cox, with Karishma Rao, for the Applicant.
Mr Anuj Jhaveri, i/b PSL Advocates & Solicitors, for Respondent
No.1
Dr Sneha Goyal, for the Official Liquidator.

CORAM G.S. Patel &
Abhay Ahuja, JJ.
DATED: 13th July 2022

PC:-

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NOTICE OF MOTION NO. 618 OF 2019 IN APPEAL NO. 455 OF 2015:

1. The Motion allows itself. It seeks that the hearing of the Appeal be expedited. So ordered.

2. The Appeal is directed against an order of 10th September 2009 in a Company Petition allowing a scheme of compromise/arrangement. The Appeal is by union of workers called the Gaekwar Mills Kamgar Sangharsh Samiti. Obviously the Appeal will have to be taken up at the earliest possible date. We will separately below schedule an early date for final disposal of the Appeal itself.

INTERIM APPLICATION NO. 1756 OF 2022:

3. The Applicant is the Shramik Janta Sangh. It seeks to be joined as Appellant No. 2. The sole Appellant so far, namely the Sangharsh Samiti, has no objection. The reason for seeking impleadment is that the affected workmen are members of the sole original Appellant but during the course of the proceedings some objections were raised because the original Appellant was or is an unregistered body. We do not believe that this should be allowed to affect the interests of the workmen or to deny them a full opportunity of canvassing their case in Appeal.

4. Accordingly, and despite the opposition on behalf of Respondent No. 1, most vigorously pursued, we allow the Interim

Application in terms of prayer clause (a). Amendment to be carried out forthwith without need of reverification.

5. Having regard to what appears to be a narrow canvass in the matter, list the Appeal itself on 23rd August 2022.

6. As far as Respondent No. 1 is concerned, there is a change in Advocates. We allow the new Advocates to file their vakalatnama subject to the usual conditions of an NOC from the previous Advocate.

(Abhay Ahuja, J)

(G. S. Patel, J)