

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR

WRIT PETITION NO.1493/2017

Sona d/o. Vijay Belorkar Vs. Arun s/o. Gajananrao Wankhade and Ors.

.....
Office Notes, Office Memoranda of
Coram, appearances, Court's orders
or directions and Registrar's orders
.....

Court's or Judge's order

Mr. S. P. Kshirsagar, Advocate for the Petitioner.

CORAM : AMIT B. BORKAR, J.

DATED : 19th SEPTEMBER, 2022.

. The order challenged in the petition allowed the application of respondents to bring present petitioner as legal representative of the original employer.

2. According to the petitioner, the liability as sought to be enforced can at the most be against the company, and therefore, the liability cannot be thrust upon the legal representative of Managing Director as the company is a legal person.

3. On perusal of the application filed under Section 33C(2) of the Industrial Disputes Act, 1947, it appears that Mr. Vijay Rejeshwar Belorkar is made party in personal capacity. If that be so, the personal right against Mr. Vijay Belorkar is sought to be enforced under Section 33C(2) of the Industrial Disputes Act, 1947. If the petitioner is aggrieved by the liability of Mr. Vijay Belorkar in personal capacity, he will have an independent remedy to file an appropriate application before the Labour Court raising the issue of maintainability of such an application against an

individual when the liability is against a company registered under the The Companies Act.

4. In that view of the matter, since Mr. Vijay Belorkar has been made party in personal capacity, the application to bring his legal representatives on record cannot be said to be not maintainable.

5. In that view of the matter, the petition is disposed of with a liberty as stated in the body of the order, is granted.

JUDGE

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