

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

Writ Petition No.4607/2022

Raju Dukare V Smt. Vandana Misal and others

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

Court's or Judge's Orders

Mr. S.S. Sharma, Advocate for petitioner.

CORAM : AVINASH G GHAROTE, J.
DATE : 18-08-2022

Heard the learned Counsel for the petitioner.

This Petition challenges the order dated 01-07-2022 below Exh.-C-13, whereby the learned Commissioner has relegated the matter back for consideration of preliminary objection at the stage of deciding the Petition on merits. Mr. Sharma, learned Counsel for the petitioner contends that this could not have been done as there was no relation of employer and employ in between the petitioner and the non-applicants/respondent nos. 1 to 4. However, what is material to note is that the existence and non-existence of such relations will have to be tested on the touchstone of evidence which may be led in the proceedings. Considering which, I do not find any reason to interfere in the order impugned in this case. Hence, the Petition is dismissed.

The learned Commissioner shall make an endeavor to decide the proceedings as early as possible.

JUDGE

Deshmukh