

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

MISCELLANEOUS CIVIL APPLICATION NO. 160 OF 2022

Babu Rangrao Waghmare & Anr.	.. Applicants
v/s.	
Vasant Prabhakar Motibone	.. Respondent

...

Ms. A. P. Madhuri for the applicant.
Mr. Mithilesh S. Singh for the respondent.

...

CORAM : KAMAL KHATA, J.

DATED : 17TH JULY 2023.

P.C. :

1. This application is filed for seeking transfer under Section 24 of the Code of Civil Procedure, 1908 of the proceedings pending before the Labour Court, Latur to Labour Court at Mumbai.

2. The applicants case is that the applicant and his wife hold a small piece of land in Latur. He used to visit Latur and looked after the farm lands belonging to him and his wife with the help of the relative who managed in his absence. It is stated that respondent nos.1 to 4 filed complaints bearing

Labour Case Application (IDA) No.15/2020 CNR No. MHLC4000 097 2020 against the applicants before the Commissioner of Labour at Latur. It is stated that on 15th December 2020, they received a notice under Section 33 of the Industrial Disputes Act, 1947 from the Labour Court at Latur.

3. It is submitted that the entire Misc. Application IDA no.15/2020 is full of blatant lies, false statements and fictitious events claiming that they had not been paid for two long years. It is submitted that respondent no.1 was allowed to stay along with his family in the servant quarters and worked on his farm lands. It was agreed and understood between the applicants and respondent no.1 that the yield of the crop would be sold and payment received therefrom would be shared on a 50:50 basis.

4. The learned counsel for the applicants submits that respondent no.1 did not work diligently and honestly on the farm and on several occasions absconded with the harvest and never truly disclose the income from the crop yield. It is submitted that applicant nos.1 & 2 are residents of Mumbai not Latur. It is submitted that the applicant's have paid

money to the respondents from time to time and have also provided shelter to the respondent no.1 and his family and only with a view to extort money from the applicants, respondent no.1 has filed a false case against the applicants.

5. Learned counsel for the applicants submitted that the applicant no.1 is a senior citizen of 72 years of age and suffers undue hardships and inconvenience to travel to Latur for this matter. It is submitted by the advocate that there are some Advocates and also some busy bodies/ interested parties who are behind these kinds of extortion cases. Learned counsel submits that the applicants were threatened in the past and are apprehensive of physical abuse by the respondents or locals when they attend the courts in Latur to force them to succumb to their illegal demand.

6. Learned counsel for the respondents, on the other hand, submits that no case is made out for transfer of the application from Latur to Mumbai. It is submitted that the respondents are poor people and have merely sought their wages which were not given to them. It is submitted that the travel would not only cause severe prejudice to the

respondents but also they cannot bear the expenses of travel.

7. Learned counsel for the applicants submitted that they are willing to grant travel expenses to the respondents on each date when they attend the court.

8. Upon inquiry by this court, Learned counsel for the applicants has agreed to pay a total sum of Rs.7000/- for each time they attend the Court for the matter.

9. Having considered all the circumstances and with a view to avoid any untoward incident to the senior citizen and his wife based on the apprehension expressed by the applicant's advocate, I am inclined to allow this application and pass the following order;

(i) Application is allowed in terms of prayer clause (B).

(ii) The proceedings and application made in Labour Case (IDA) no.15/2020 pending before Labour Court, Latur be stayed pending transfer; and be transferred to the Labour Court, Mumbai.

(iii) The Registry may forward a copy of this order to the

Labour Court, Latur, with instructions to forthwith transmit all the records of Labour Case (IDA)no.15/2020 between the Respondents and Applicants to the Labour Court, Mumbai, preferably within 4 weeks from the receipt of this order.

(iv) The Labour Court, Mumbai, on receipt of the records of Labour Case (IDA) no.15/2020, fix a date preferably within 3 weeks and issue notice to the parties for proceeding with the matter.

(v) It is clarified that, the applicants shall be paid a sum of Rs.7000/- or transferred electronically on each date the respondent/s appear in the Labour Court at Mumbai. The respondents and/ or their advocate shall share the bank account details in which the payment can be deposited and immediately acknowledge the receipt of the same by message or receipt.

(vi) All concerned to act on the authenticated copy of this order.

(KAMAL KHATA, J.)