



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO.12186 OF 2022**

Dr. Sonagra Medical and Surgical Centre ... Petitioner
versus
Dinesh Dattaram Sawant ... Respondent

**WITH
WRIT PETITION NO.12187 OF 2022**

Dr. Sonagra Medical and Surgical Centre ... Petitioner
versus
Santosh Shivaji Taralkar ... Respondent

Mr. Rahul Oak for Petitioner.
Mr. Aniketh Poojari for Respondents.

CORAM: N.J.JAMADAR, J.

DATE : 18 JULY 2023

P.C.

1. Heard the learned Counsel for the parties.
2. A limited challenge in these Petitions is to the order 22 July 2022 passed by the Presiding Officer, Labour Court on applications seeking permission to file additional written statement, whereby those applications came to be dismissed.
3. Though the Petitioner – employer filed a written statement in the References on 25 November 2021, the Petitioner, upon consideration, realized that the contentions in the said written statement were scanty and lacked in elaboration.
4. The learned Counsel for the Petitioner submitted that the Petitioner-employer does not profess to change the three grounds of defence raised in the written

statement. However, with the rejection of the applications to file additional written statement, the Petitioner would be deprived of the opportunity to adduce evidence in support of its defence.

5. The learned Counsel for the Respondents-employees submits that the documents which were annexed to the applications seeking permission to file additional written statement already form part of the affidavit in lieu of examination in chief filed on behalf of the Petitioner – first party.

6. The learned Counsel further submits that the Respondents – Second parties have no objection if the Petitioner is permitted to cross-examine the Respondents-second parties before the Labour Court.

7. Indeed, written statement filed on behalf of the Petitioner – first party, is extremely short and broadly refers to the grounds of objection to the reference. However, all the defences appear to have been taken therein.

8. In the circumstances of the case, if the Petitioner – first party is permitted to adduce evidence in support of the defences raised in the written statement by way of examining the witnesses whose affidavits were sought to be tendered along with the application for filing additional written statement (and which according to the learned Counsel for the Respondents – second parties already form part of the Affidavits in lieu of examination in chief filed on behalf of the Petitioner – first party) and the Petitioner – first party is permitted to cross-examine the

Respondents-employees, the Petitioner would get an efficacious opportunity to defend the references.

9. Hence, the Writ Petitions stand disposed by allowing the Petitioner – first party to cross-examine the Respondents – second parties – employees and/or any other witnesses examined by the Respondents – second parties – employees. The Labour Court shall also permit the Petitioner to examine the witness/es including the witnesses whose affidavits are annexed to the applications seeking permission to file additional written statement.

10. Writ Petitions stands disposed.

11. No costs.

(N.J.JAMADAR, J.)