

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR**

Writ Petition No.8165 of 2018

MOHD. MUZIBUR S/O YUSUF MEER
VS
M/S INDORAMA SYNTHETICS (I), NAGPUR

Office Notes, Office Memoranda of
Coram, appearances, Court's Orders
or directions and Registrar's order

Court's or Judge's Order

Shri N.P. Pathan, Advocate for the Petitioner
Shri R.B. Puranik, Advocate for the respondent No.1

**CORAM : ANIL S. KILOR, J.
DATED : 24.01.2023.**

1. Heard.
2. In this petition, the application for amendment moved by the petitioner at the stage of revision and thereby sought to amend the complaint as well as the revision, was rejected by the impugned order dated 27.08.2018, the same is under challenge.
3. The learned counsel for the petitioner submits that at the relevant time, when the complaint was pending before the Labour Court, the amendment was not carried out because of the fault of the lawyer appearing at that time and the said mistake was noticed at the stage of revision and therefore, the application was moved for amendment to the complaint as well as to the revision.
4. It is submitted that while considering the request for amendment, the Court should adopt the liberal approach, unless serious injustice or irreparable loss is caused to the other side. For this purpose, he has placed reliance upon the judgment of the

Hon'ble Supreme Court of India in the case of *Haridas Aildas Thadani and others V. Godrej Rustom Kermani*¹.

5. On the other hand, Shri Puranik, learned counsel for respondent No.1, submits that the Industrial Court has no jurisdiction to permit the amendment to the complaint at the stage of revision.

6. It is further pointed out that even the Industrial Court has no power to allow to carry out amendment to the revision and thereby allow the applicant to amend the revision application by adding material which was not before the Labour Court. For this purpose, he has placed reliance upon the judgment of the Co-ordinate Bench of this Court in the case of *Rashtrasant Tukdoji Maharaj Technical and Educational Society, Nagpur and another Vs. Chandan Bapurao Karwade and others*².

7. I have perused the documents filed along with the petition and the impugned order.

8. There is no dispute that the application seeking amendment filed by the petitioner, was moved before the Revisional Court and thereby sought to amend the complaint as well as the revision application.

9. This Court, in the case of *Rashtrasant Tukdoji Maharaj Technical and Educational Society, Nagpur and another* (supra), has held thus:

1 AIR 1983 Supreme Court 319

2 2022(6) Mh.L.J. 41

“15. There can be no quarrel with the proposition that subsequent events can be considered by the Superior Court, which may have an impact on the reliefs that can be granted to the party concerned. The judgments on which the learned counsel for the petitioners has placed reliance pertained to disputes between landlord and tenant, wherein the subsequent events had an impact on the very basis of granting relief to the tenant or the landlord as the case may be. The manner in which the Superior Court could take note of such subsequent events would also depend upon the provisions of the concerned Statute and therefore, the said judgments (cited supra) cannot be of any assistance to the petitioners in the present case. There was nothing placed on record before this Court to indicate that there was indeed power in the Industrial Court under the statutory scheme contemplated as per the MRTU & PULP Act, to permit amendment of the memo of revision petition. Thus, it cannot be said that the Industrial Court committed any error in rejecting the application at Exhibit-30.”

10. In the present case, the amendment is sought on the ground that the counsel for the petitioner did not take proper care and he was not in diligent in making the amendment to the complaint. However, there is nothing to show that what steps the petitioner took before the Labour Court to get the complaint amended by incorporating necessary facts i.e. incorporating the subsequent events.

11. In the circumstances, I do not find any error committed by the learned Industrial Court in rejecting the application. Accordingly, the petition is **dismissed**.

[ANIL S. KILOR, J.]

Digitally signed by NIRANJAN
DOMAJI THAWRE
Signing Date: 25.01.2023
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