



C.R.P.(PD).No.2781 of 2019
and C.M.P.No.18218 of 2019

THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 13.03.2023

CORAM

THE HONOURABLE **MR.JUSTICE N.SESHASAYEE**

C.R.P.(PD).No.2781 of 2019
and C.M.P.No.18218 of 2019

P.Vasudevan

... Petitioner

Vs.

1.Malli Saravanan
2.M.Thilaga

... Respondents

Prayer: Petition filed under Article 227 of the Constitution of India, seeking to set aside the fair and decreetal order dated 19.03.2019 made in I.A.No.16 of 2018 in O.S.No.524 of 2017 on the file of the IV Additional District Munsif Court, Salem.

For Petitioner : Mr.N.Anand

ORDER

This revision is filed challenging an order in I.A.No.16 of 2018 in O.S.No.524 of 2017 on the file of the IV Additional District Munsif Court, Salem, seeking to reject the plaint under Order VII Rule 11 (d) C.P.C.



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2.The plaintiffs have laid a suit for a declaration of their status that they are not the employees of the defendant and for certain ancillary reliefs. To seek the rejection of the plaint, the defendant has come forward with the above referred to interlocutory application. His contentions are as follows: (a) seeking negative declaration is not permitted in law; (b) the matter falls within the domain of the Industrial Disputes Act,1947.

3.Heard the learned counsel for the revision petitioner.

4.So far as the first relief is concerned, Section 34 of the Specific Relief Act,1963 provides for seeking declaration of status which necessarily includes a negative declaration. Secondly, for a dispute to fall within the Industrial Disputes Act, 1947, the jural relationship between the employer and the workmen should have been admitted. Here, inasmuch as the plaintiffs' dispute is concerned, their status as workmen under the revision petitioner / defendant and the minimum pay requisite for bringing their dispute within the domain of Industrial Disputes Act, 1947 does not find place.



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5.This revision petition stands dismissed accordingly. No Costs.

Consequently, the connected miscellaneous petition is closed.

13.03.2023

Anu

Index : yes / no

Internet : yes / no

Speaking / non speaking

Copy to:

The IV Additional District Munsif Court, Salem.

N.SESHASAYEE.J.,



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