



W.P. No.34478 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 02.01.2023

CORAM:

THE HON'BLE MR. JUSTICE ABDUL QUDDHOSE

W.P. No.34478 of 2022
and
W.M.P. No.33926 of 2022

M/s.DSP Knitting Company,
Represented by its Partner,
S. Banupriya

.. Petitioner

VS.

1. V.P. Murugesan

2. The Management,
M/s.Primex Clothing Pvt. Ltd.,
37, Bridgeway Colony Extension,
Tirupur - 641 607.

3. A. Nithyanandam,

4. N. Selvi

.. Respondents

Prayer : Writ petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorari to call for the records pertaining to the proceedings in I.A. No.1 of 2022, dated 11.05.2022 and I.A. No.2 of 2022, dated 05.07.2022 in C.P. No.61 of 2018 before the Additional Labour Court, Coimbatore and to quash the same.

For Petitioner : Mr.N.Shanmuga Thayumanavan



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ORDER

This writ petition has been filed challenging the order dated 11.05.2022 passed by the Additional Labour Court, Coimbatore in I.A. No.1 of 2022 as well as the order dated 05.07.2022 passed in I.A.No.2 of 2022 in C.P. No.61 of 2018.

2. I.A. No.1 of 2022 was filed by the 1st respondent / petitioner in C.P. No.61 of 2018 seeking to implead the petitioner herein as a party respondent in C.P. No.61 of 2018.

3. I.A. No.2 of 2022 was filed by the 1st respondent / petitioner in C.P. No.61 of 2018 seeking to amend the cause title in C.P. No.61 of 2018 by including the name of the petitioner herein as a party respondent.

4. Both the aforementioned I.A.s were allowed by the Additional Labour Court, Coimbatore. I.A.No.1 of 2022 was allowed on 11.05.2022 and I.A. No.2 of 2022 was allowed on 05.07.2022.

5. Aggrieved by the same, the petitioner Company has filed this writ petition.

6. The petitioner company contends that they are an unnecessary party to the litigation between the 1st respondent and the remaining respondents. The 1st respondent has filed a claim petition seeking recovery of money which according to him is due and payable by the 2nd



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respondent towards his wage arrears. The petitioner herein contends that they never purchased any property belonging to the 2nd respondent/ Company, but had purchased the property only from the 3rd respondent in his individual capacity and therefore, they are not liable to pay the alleged dues of the 1st respondent. Therefore, according to them, the impugned orders impleading them as a party respondent is erroneous and not in accordance with law. They also contend that even without issuing notice to them, the Additional Labour Court has impleaded them as a party respondent in the main C.P. viz., C.P. No.61 of 2018.

7. The petitioner is also aggrieved by the adverse observations made by the Labour Court against them in the impugned orders.

8. Admittedly, there is some connection between the petitioner and the 3rd respondent, who is a Director in the 2nd respondent /Company. The petitioner claims that the property was purchased by them from the 3rd respondent only in his individual capacity and not as a Director of the 2nd respondent Company. The same has been disputed by the 1st respondent as seen from the impugned orders. The 1st respondent contends that the property purchased by the petitioner belongs to the 2nd respondent who allegedly owes money to him.



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9. The learned counsel for the petitioner drew the attention of this Court to the impugned orders and in particular, he drew the attention of this Court to the adverse observations made against the petitioner, which according to him will be detrimental to the interest of the petitioner in the main case.

10. He would also submit that even without issuing notice to the petitioner, the Labour Court has allowed the impleading application as well as the amendment application.

11. However, this Court is of the considered view that since there is some connection between the petitioner and the 3rd respondent, who is admittedly a Director of the 2nd respondent /Company, the issue as to whether property purchased by the petitioner belongs to the 3rd respondent in his individual capacity or belongs to the 2nd respondent/Company can be decided only when the main case is taken up for consideration. It cannot be decided at a preliminary stage, while considering an impleading application. However, the interest of the petitioner with regard to its contentions that have been raised in this writ petition will have to be protected while the Labour Court decides the main case finally.



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12. The petitioner has categorically contended that they are no way involved in the dispute between the 1st respondent and the 2nd respondent which is the subject matter of C.P. No.61 of 2018 and they have also categorically contended that they have purchased the property from the 3rd respondent only in his individual capacity and not as a Director of the 2nd respondent. Therefore, any adverse observations made in the impugned orders should not be detrimental to the interest of the petitioner in the main case.

13. However, this Court does not find infirmity in the impugned orders insofar as allowing I.A. No.1 of 2022 and I.A. No.2 of 2022 in C.P. No.61 of 2018 is concerned, excepting for making it clear that any adverse observations made against the petitioner in the impugned orders should not have any impact while deciding the main case viz., C.P. No.61 of 2018 by the Additional Labour Court, Coimbatore.

14. For the foregoing reasons, this writ petition is disposed of by confirming the orders of the Additional Labour Court, Coimbatore, dated 11.05.2022 passed in I.A. No.1 of 2022 and 05.07.2022 passed in I.A. No.2 of 2022, but however this Court makes it clear that any adverse observations made in the impugned orders will not impact the final



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decision in C.P. No.61 of 2018. While deciding the main case, viz., C.P. No.61 of 2018, the Additional Labour Court, Coimbatore is directed to pass final orders uninfluenced by any adverse remarks/ inferences made against the petitioner in the impugned orders.

15. With the aforesaid directions, this writ petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

02.01.2023

Index: Yes/No
Internet: Yes/No
Speaking Order/Non-Speaking Order
Neutral citation case : Yes / No
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ABDUL QUDDHOSE, J.

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