

Shabnoor

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

WRIT PETITION NO.1731 OF 2024

Mahesh Prakash Gangawane ... Petitioner

V/s.

M/s. Pepsico India Holding Pvt. Ltd. ... Respondents

WITH

WRIT PETITION NO.1732 OF 2024

Devidas Balasaheb Batte ... Petitioner

V/s.

M/s. Pepsico India Holding Pvt. Ltd. ... Respondents

Mr. Rahul B. Khot, for Petitioner.

CORAM : AMIT BORKAR, J.

DATED : FEBRUARY 15, 2024

P.C.:

1. The petitioner filed an application for recall of witness examined before the Inquiry Officer on the point of preliminary issue, the preliminary issue reads as under:

“1. Does the second party prove that the enquiry conducted by first party against him is not legal, fair and proper ?”

2. For the purpose of decision of preliminary issue, recall of witness is not necessary; however, it will be open for the petitioner to issue notice to the employer for production of enquiry proceeding during the trial, in case the preliminary issue is decided in favour of the petitioner.

3. With this clarification, the writ petitions stand disposed of.

(AMIT BORKAR, J.)