



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

**REVIEW PETITION NO.105 OF 2023
IN
WRIT PETITION NO.2396 OF 2015**

Vinod Babulal Sheth ..Review Petitioner

In the matter between

Vinod Babulal Sheth ..Petitioner

vs.

Wallace Pharmaceuticals Pvt. Ltd.
and anr. ..Respondents

Mr. Kiran Bapat, Senior Advocate a/w Adv. Prasad B.
Kulkarni, for the Petitioner.

Adv. Suhas Suresh Inamdar, for the Respondents.

CORAM : M. S. KARNIK

**DATE : 31st JULY, 2025
(IN CHAMBER)**

P.C. :

1. Heard learned counsel for the parties.
2. This is a Petition for review of the order dated 19th March 2019 passed by this Court. Learned Senior Advocate for the Petitioner submitted that the Petition was filed challenging the order of the Labour Court thereby claiming the remaining 50% of the back-wages. However, this Court upon considering the submissions made by learned counsel

recorded that so far as the 50% of back-wages granted by the Labour Court is concerned, the Petitioner workman was permitted to withdraw the amount of Rs.11,45,445/- which was deposited subject to final computation as may be made in the proceedings under Sections 48 and 50 of MRTU and PULP Act. Having made the aforesaid observations, the 'Rule' was made absolute.

3. Learned Senior Advocate submitted that in fact the very challenge in the Petition was to the refusal on the part of the Labour Court to grant 50% of the remaining back-wages. The same has not been addressed in the Writ Petition. The Petitioner has not given up such a challenge.

4. Learned counsel for the Respondents opposed the Review Petition. It is submitted that the Petitioner in fact filed an application for withdrawal of the amount which was deposited and the same has been withdrawn pursuant to the passing of the order dated 19th March 2019 by this Court. According to him, the Petitioner is now estopped from filing this application as this is nothing but a chance application.

5. I am of the firm view, there is an error apparent on the face of record committed by me. The Petition was filed by the Petitioner for claiming the remaining 50% of the back-wages which was not granted by the Labour Court. The claim for 50% of the back-wages was not given up by the Petitioner. The question involved in the Petition was not addressed by this Court. The Petitioner workman in my opinion could not have been deprived of his remedy to contest the claim for remaining 50% of the back-wages on merits. It is not possible for me to agree with the submission of learned counsel for the Respondents that merely because the workman has withdrawn 50% of the back-wages granted by the Labour Court, the Petitioner is estopped from filing this Review Petition.

6. The order of this Court to the extent which records that the Rule made absolute is recalled. By maintaining the rest of the order dated 19th March 2019 from paragraph 2 to 5, paragraph 1 of the order which reads "Rule. The respondents waive service. By consent, Rule made returnable forthwith and heard finally." is modified and will

now be substituted by the word "Arguable questions are raised. Hence Rule". Paragraph 6 of the order would now be read as "Rule. Hearing of the Rule is expedited. Liberty to apply for a fixed date for final hearing. Learned counsel for the Respondents waives service of Rule".

7. The Review Petition is disposed of.

(M. S. KARNIK, J.)