



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR.

WRIT PETITION NO. 1376 OF 2024

Rajat s/o Leeladhar Bhoge and ors.

.Vs.

Municipal Council, Paoni Dist. Bhandara thr. its Chief Officer and another

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions Court's or Judge's orders.
and Registrar's Orders.

Mr Feroz Khan, Advocate for the petitioners.

Mr M.I. Dhattrak, Advocate for the respondent Nos.1 and 2.

CORAM : SIDDHESHWAR .S. THOMBRE, J.

DATE : 14.10.2025

Heard learned counsel for the petitioners and
learned counsel for the respondents.

2. The petition is directed against the order dated
25.01.2024 in complaint ULP 21/2022 passed by the
Industrial Court, Bhandara, whereby the complaint filed by
the petitioners came to be dismissed.

3. Learned counsel for the petitioners submits that
issue No.1 was framed by the Industrial Court after the
petitioners had completed their evidence, and the matter
was proceeded. Therefore, they could not get any
opportunity to lead the evidence on issue No.1. Therefore,
the petitioners pray to remand the matter to Industrial
Court, permitting them to lead the evidence on issue No.1.

4. Per contra, learned counsel for the respondents
submits that the petitioners did not raise any objection

when the issue was framed and proceeded without objections. The learned counsel further contends that the petitioners only raised this ground now because the complaint was dismissed. They are now making it a ground to remand the matter to the learned Industrial Court.

5. I have gone through the documents as well as pleadings, it is an admitted fact that the additional issue was framed on 03.01.2024 and before that the petitioners have completed their evidence. Therefore, naturally, the petitioners could not get an opportunity to lead the evidence on the additional issue that was framed. Although the petitioners had not raised an objection during the proceedings but the fact that the petitioners were not given an opportunity to lead the evidence on issue No.1 cannot be denied. Therefore, without going into the merits of the matter and other issues, the matter needs to be remanded back to the Industrial Court solely for the purpose of deciding the issue No.1. The petitioners are permitted to lead the evidence only on the issue No.1.

6. In view thereof, petition is partly allowed.

7. The order dated 25.01.2024 in complaint ULP 21/2022 passed by the Industrial Court, Bhandara is hereby quashed and set aside to the extent of issue No.1.

8. In view of aforesaid, writ petition stands disposed of. No order as to costs.

(SIDDHESHWAR S. THOMBRE, J.)

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