



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR

Writ Petition No.4376/2024

Registrar, Dr. Panjabrao Deshmukh V Purushottam

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders

Court's or Judge's orders

Mr. Abhay Sambre, Adv. for petitioner.
Mr. P. Kavishwar, Adv for respondent.

CORAM : R.M. Joshi, J.

DATE : 25-06-2025.

Petitioner university seeks setting aside of order dated 17-10-2023 passed in Complaint ULP No.185/2015 by Industrial Court, Akola.

2. The fact appeared from the record indicate that the petitioner was respondent in the said complaint and was duly served with the notice. Appearance was caused through an Advocate and reply was also filed to the complaint. It is thereafter the advocate for the petitioner failed to appear before the Industrial Court. It has resulted into the decision of the said complaint in absence of the advocate.

3. Learned Counsel for the petitioner submits the petitioner being University entrusted the work of appearance to the advocate and for his fault the University need not be made to suffer.

4. Learned Counsel for the respondent vehemently opposed the petition.

5. Perusal for the record indicates that the petitioner has caused appearance in the proceedings before the Industrial Court and also filed reply. This apparently indicates it's intention to contest the proceeding. However, thereafter on account of the non appearance of the counsel, the order came to be passed without hearing of the petitioner on merits.

6. Though it is true that the party cannot be made to suffer on account of the lapse on the part of the advocate, however at the same time the prejudice caused to the other side also cannot be ignored by the conduct of such party. In the facts of the case, the impugned order deserves to be set aside subject to cost of Rs 10,000/- payable by the petitioner.

7. Petition is allowed in above terms. Proceedings of Complaint ULP No.185/2015 be taken up by the Industrial Court from the stage of cross examination of the complainant.

8. Since the complaint is of year 2016, Industrial Court is directed to decide the said complaint expeditiously and in any case within a period of six months from today.

(R.M. Joshi, J.)