



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

WRIT PETITION NO. 5448/2025

(THE BHANDARA URBAN CO-OPERATIVE BANK LTD., BHANDARA **VERSUS** TALIKRAM
KAWADUJI MANDURKAR)

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

Court's or Judge's order

Shri A.M. Ghare, counsel for the petitioner.
Shri V.G. Wankhede, counsel for the respondent.

CORAM : PRAFULLA S. KHUBALKAR, J.

DATE : SEPTEMBER 26, 2025

Heard the respective counsel for the parties.

2. The petitioner-The Bhandara Urban Co-operative Bank Ltd. (for short, 'the petitioner-Bank') takes an exception to the order dated 02.09.2025 passed by Industrial Court, Bhandara on Exhibit C-15 in Complaint (ULP) No.48 of 2018 by which the application filed by the petitioner in the complaint for deciding the issue of limitation as preliminary issue came to be rejected.

3. Shri A.M. Ghare, learned counsel for the petitioner-Bank submits that primary contention of the petitioner-Bank is that the complaint filed by the employee seeking payment of wages for the period from 03.06.2009 to 24.03.2015 alongwith ancillary benefits for the said period is barred by limitation. It is submitted that the Industrial Court has framed an issue with regard to limitation which goes to the root of the matter. It is further submitted that the respondent-complainant has even submitted his evidence on affidavit only with respect to the issue of limitation, and therefore, the said issue needs to be decided as a preliminary issue.

4. Opposing the writ petition, Shri V.G. Wankhede, learned counsel for the respondent has invited my attention to the judgment of remand dated 17.04.2025 passed by this Court while deciding Writ Petition No.7150 of 2024 and submitted that the issue of limitation was framed by the Industrial Court pursuant to the direction issued in the said judgment. He further submitted that the Industrial Court was directed to frame the issue of limitation and decide the complaint by allowing the parties to adduce their evidence on the said aspect. It is also submitted that the issue of limitation is a mixed question of law and facts and the Industrial Court has rightly passed the order, in effect directing that the issue of limitation has to be considered alongwith other issues.

5. It is crucial to note that the complaint filed by the respondent was earlier allowed by the Industrial Court and the judgment and order was subjected to challenge by the petitioner-Bank *vide* Writ Petition No.7150 of 2024. This Court had remitted the matter back to the Industrial Court for framing the issue of limitation by considering the matter afresh by allowing the parties to adduce their evidence on the issue of limitation since the parties had already led evidence on other issues. As such, the issue of limitation is additionally required to be decided after the matter is remanded back by this Court to the Industrial Court. Considering the nature of controversy involved in the writ petition, the issue of limitation cannot be considered to be a pure question of law and it is a mixed question of law and facts.

6. I do not find any perversity with the impugned order. No indulgence is required under Article 227 of the Constitution of India. The writ petition accordingly stands dismissed with no order as to costs.

(PRAFULLA S. KHUBALKAR, J.)

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