



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
BENCH AT AURANGABAD**

**WRIT PETITION NO. 3565 OF 2026**

**ASHISH ASHOK KAWDE  
VERSUS  
DHAMMAPAL RAMDAS SHIRSATH**

...  
Mr. Rahul Joshi h/f Mr. Raviraj Tukaram Wakale, Advocate for the  
Petitioner.

...

**CORAM : S. G. CHAPALGAONKAR, J.  
DATED : 07<sup>th</sup> APRIL, 2026.**

**P.C.:-**

1. The present Writ Petition takes exception to order dated 22.01.2026 passed below Exhibit-U-9 by In-charge Commissioner for ECA & Judge, Labour Court-2, Aurangabad in Application WCA C No.13/2025, whereby application filed by respondent seeking amendment in paragraph no.12 of application has been allowed.

2. The respondent filed application under provision of Employees Compensation Act contending that he has suffered employment injury and respondent is liable to pay compensation. In paragraph no.12 of application, respondent had pleaded that he was employed as Chief Plumber on site of respondent. The respondent used to transfer amount of his wages in account of supervisor of site namely Mr. Ismail Bhai or through Mr. Kapil Hivrale, who is close relative of petitioner. Later on, respondent

filed application seeking amendment in application and seeking to bring on record changes as regards mode and nature of transaction of salary paid to him. The Commissioner allowed said application subject to cost of Rs.1000/-.

3. Mr. Joshi, learned Advocate appearing for petitioner/employer submits that amendment would change nature of claim raised in suit and, therefore, such amendment could not have been permitted.

4. This Court finds that claim is filed for compensation under provisions of Employees Compensation Act, which is part of beneficial and welfare legislation. The applicant sought to introduce certain changes in pleading as regards to mode of payment of salary and nothing else. The respondent shall be entitled to refute aforesaid contention by filing written statement and cross-examine applicant on this point. As such, no prejudice would be caused to petitioner. It is difficult to countenance submissions of Mr. Joshi that aforesaid amendment would change nature of dispute. Even otherwise, recording of evidence in proceeding before Labour Court is not commenced. The amendment at this stage can certainly be allowed without any impediment in light of law laid down by Supreme Court in case of

***Life Insurance Corporation of India Vs. Sanjeev Builders  
Private Limited and Anr.<sup>1</sup>***

5. In result, Writ Petition sans merit. Hence, dismissed.

**(S. G. CHAPALGAONKAR)  
JUDGE**

Devendra/April-2026

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<sup>1</sup> AIR 2022 SC 4256.