



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

WRIT PETITION NO.8302 OF 2025

RAMESH S/O. ARJUNRAO SONKUSALE AND ANOTHER
VERSUS
KUNDANLAL S/O. GENDLAL RAUT AND ANOTHER

<i>Office Notes, Office Memoranda of Coram, Appearances, Court's orders or directions and Registrar's orders</i>	<i>Court's or Judge's orders</i>
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Mr. S.N. Bhattad, Advocate for Petitioners.

CORAM : PRAFULLA S. KHUBALKAR, J.

DATED : 10th FEBRUARY 2026

PER COURT :-

1. Heard learned Advocate for the petitioners.
2. By this petition, the petitioners have challenged the order dated 26.07.2019, passed by the First Labour Court, Nagpur, in the proceedings bearing IDA Case No.74 of 2015, allowing the application filed by respondent No.1 employee under Section 33-C(2) of the Industrial Disputes Act, 1947 (for short, 'the Act of 1947').
3. The petitioners along with respondent No.2 were the partners of a partnership firm and were carrying the business in the name and style 'M/s. Hotel Arjun Bar & Restaurant'. Respondent No.1 was the employee of the said restaurant, who worked as a Cook for several years and were paid monthly salary along with other benefits. The total strength of employees of 'M/s. Hotel Arjun Bar & Restaurant'

was more than fifty, when it was closed on 31.03.2015. Respondent No.1, thereafter, filed an application under Section 33-C(2) of the Act of 1947 and claimed closure compensation as per Section 25(FFF) of the Act of 1947, along with remuneration of one month in lieu of notice of closure, minimum bonus and remuneration of leave with wages. Respondent No.1 led evidence in support of his case before the Labour Court, however, the petitioners did not lead any oral or documentary evidence. By the impugned order, Labour Court allowed the application filed by respondent No.1 which is subjected to challenge by way of instant petition.

4. It is submitted on behalf of the petitioners that the impugned order is passed by the Labour Court without considering that there is a dispute amongst the partners of the said establishment and as such, without deciding the issue of employer-employee relationship, the application filed by respondent No.1 employee ought not to have been allowed. He also submitted that there was no pre-existing right with the employees to claim any relief under Section 33-C(2) of the Act of 1947 and thus the impugned order is without jurisdiction.

5. While considering the controversy, it has to be seen that the petitioners have challenged the order dated 26.07.2019, after a

period of about six years without demonstrating any sufficient cause for delay and laches. The petition does not mention any plausible justification for the delay and deserves to be dismissed on this count alone. Apart from this, it has to be seen that the Labour Court has given due consideration to the entitlement of the employee to the closure compensation and notice pay and has allowed the application only to that extent and has refused to grant any bonus, although claimed. The order passed by the Labour Court appears to be well reasoned. The inference about pre-existing right of the employees, does not appear to be perverse. It has also to be noted that the petitioners failed to adduce any evidence before the Labour Court and the contention about absence of employer-employee relationship appears to have been raised for the sake of arguments. As regards the contention of the petitioners about liability of other partners for payment of dues, the petitioners are always at liberty to take recourse to the appropriate proceedings for recovering the amount from other partners.

6. It has also to be noted that the identical petitions being Writ Petition No.03 of 2026 with connected matters are decided and dismissed by order dated 28.01.2026, passed by this Court. This petition is similar to all those petitions.

7. Having regard to the overall factual and legal aspects, no indulgence under Article 227 of the Constitution of India is warranted with the impugned order. Therefore, the writ petition deserves to be dismissed. Hence, the writ petition is dismissed with no order as to costs.

(PRAFULLA S. KHUBALKAR, J.)

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