



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

WRIT PETITION NO. 3/2026

(RAMESH ARJUNRAO SONKUSALE & ANR **VERSUS** ANIL DAULATRAO SONEKAR & ANR)

WITH

WRIT PETITION NO. 6585/2025

(RAMESH ARJUNRAO SONKUSALE & ANR **VERSUS** SANDEEP WASUDEO WASNIK & ANR)

WITH

WRIT PETITION NO. 6586/2025

(RAMESH ARJUNRAO SONKUSALE & ANR **VERSUS** GHAMERSINGH KAMANSINGH KARKI & ANR)

WITH

WRIT PETITION NO. 6587/2025

(RAMESH ARJUNRAO SONKUSALE & ANR **VERSUS** SHRIDHAR LAHANUJI MAPLE & ANR)

WITH

WRIT PETITION NO. 6589/2025

(RAMESH ARJUNRAO SONKUSALE & ANR **VERSUS** SUBHASH NAGESH RAO & ANR)

WITH

WRIT PETITION NO. 6590/2025

(RAMESH ARJUNRAO SONKUSALE & ANR **VERSUS** MANOHAR KISANRAO VAT & ANR)

WITH

WRIT PETITION NO. 6634/2025

(RAMESH ARJUNRAO SONKUSALE & ANR **VERSUS** PANDURANG MAHEGU BABHARE & ANR)

WITH

WRIT PETITION NO. 6828/2025

(RAMESH ARJUNRAO SONKUSALE & ANR **VERSUS** HARIHAR SHAMRAO MATAGHARE & ANR)

WITH

WRIT PETITION NO. 8462/2025

(RAMESH ARJUNRAO SONKUSALE & ANR **VERSUS** MAHESH BHAURAO SOMKUWAR & ANR)

WITH

WRIT PETITION NO. 8490/2025

(RAMESH ARJUNRAO SONKUSALE & ANR **VERSUS** NARENDRA DHANNALAL NANDESHWAR & ANR)

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

Court's or Judge's order

Shri S.N. Bhattad, counsel for the petitioners.

CORAM : PRAFULLA S. KHUBALKAR, J.

DATE : JANUARY 28, 2026

Heard the learned counsel for the petitioners.

2. By this petition, the petitioners have challenged the order passed by the Labour Court, Nagpur allowing the application filed by the employee under Section 33-C(2) of the Industrial Disputes Act, 1947 (for short, 'the Act of 1947').

3. As the controversy involved in all these petitions is identical and all the petitions raise a challenge to the identical orders passed by the Labour Court, they are being decided by this common order.

4. The petitioners along with the 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'. The respondent no.1 in all the petitions were employees of the said restaurant, who worked in the capacity of 'Waiter/Captain/Tandoorwala/Kitchen Supervisor/Cashier/Clerk' 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. The employees thereafter filed 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. The employees led evidence in support of their respective cases before the Labour Court, however the petitioners did not lead any oral or documentary evidence. By separate orders the Labour Court allowed the applications filed by the employees which are subjected to challenge by way of instant petitions.

5. 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 the 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.

6. While considering the controversy, it has to be seen that the petitioners have challenged the order dated 25.07.2019 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 employees 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 contention of the petitioners about liability of other partner for payment of dues, the petitioners are always at liberty to

take recourse to the appropriate proceedings for recovering the amount from other partners.

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 orders. All the writ petitions deserve to be dismissed and the same are dismissed with no order as to costs.

(PRAFULLA S. KHUBALKAR, J.)