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Civil Revision Petition No.5032 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 02.01.2026

CORAM :

THE HON'BLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY

Civil Revision Petition No.5032 of 2025
and C.M.P.No.25409 of 2025

Hinal Amit Gohil

.. **Petitioner**

Vs.

1.A.Subramani
2.M/s.Kailash Leather Exports
Rep.by its Proprietor Mr.Amit J.Gohil

.. **Respondents**

Prayer: Civil Revision Petition filed under Article 227 of the Constitution of India seeking to set aside the order dated 11.09.2025 ("Impuged Order") passed by the learned Principal Labour Court, Vellore, in E.A.No.Nil of 2025 in E.P.No.20 of 2024 in C.P.No.243 of 2013 and pass such further or other orders.

For the Petitioner : Mr.R.Parthasarathy
Senior Counsel
for Ms.S.Rekha

For the Respondents : Mr.A.Senthilkumar for R1
Mr.H.Mohammed Farook for R2



Civil Revision Petition No.5032 of 2025

ORDER

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This Civil Revision Petition is filed challenging the impugned order dated 11.09.2025, made in E.A.No.Nil of 2025 in E.P.No.20 of 2024 in C.P.No.243 of 2013.

2. The brief facts leading to the filing of this Civil Revision Petition are that the 1st respondent – *A.Subramani* had raised an Industrial Dispute against one M/s.Kailash Leathers, being the management. The same was taken on file in I.D.No.47 of 1999 and an order of reinstatement with back wages was passed.

3. Aggrieved by the award, the management, viz., M/s Kailash Leathers had filed W.P.No.2292 of 2003, which also came to be dismissed. Thereafter, C.P.No.243 of 2013 was filed by the workman. It is the contention of the workman that originally the management was known as M/s. Kailash Leathers and it was a partnership firm. After the award was passed, it was the case of the workman that in order to evade the payment, the son of the then partner had renamed the management as M/s. Kailash Leathers Exports from M/s. Kailash Leathers and a contention was also raised in the Computation Petition that the



Civil Revision Petition No.5032 of 2025

Computation Petition cannot be filed against the M/s. Kailash Leather Exports.

The same was considered by the Labour Court and the said objection was overruled as it was stated that the M/s. Kailash Leather Exports is the one which is continuing the business and mere change of name will not dis-entitle the employee from claiming the dues. The said order was also challenged before this Court in W.P.No.24615 of 2014 and the same was also dismissed.

4. It is stated that a Writ Appeal is pending, however, there is no interim order. Since an order has also been passed in C.P.No.243 of 2013, against the M/s. Kailash Leather Exports, which is currently being run by *Mr.Amij J.Gohil*, the execution petition was filed for attachment and sale of the immovable property. It is seen from the order impugned in this petition that the executing Court had also passed an order of attachment on 06.08.2025 and the execution petition was proceeded further.

5. It is at this stage, the petitioner, viz., *Hinal Amit Gohil*, being the wife of *Mr.Amij J.Gohil*, has filed the present execution application under Order XXI Rule 97 and 101 of CPC, to declare her as an Obstructor and to declare the order passed in C.P.No.243 of 2013 in respect of the claims made against the schedule

Page 3 of 10



Civil Revision Petition No.5032 of 2025

mentioned property as null and void and to dismiss the E.P.No.20 of 2024 in respect of the schedule mentioned property.

6. It is the contention of the petitioner, that her husband had executed a settlement deed in favour of her on 05.02.2024, prior to the order of attachment that was passed on 06.08.2025 and therefore, her property cannot be sold. The Trial Court considered the issue and found that the enabling provision under Order XXI Rule 97 is only there for the decree holder or any purchaser of the property in Court auction to approach the Court for removal of obstruction and third party like the petitioner cannot file a petition herself.

7. Secondly, it found that the order passed in the computation petition cannot be set aside and such a prayer cannot be entertained and rejected the petition filed by the petitioner at the SR stage and therefore, the present Civil Revision Petition.

8. *Mr.R.Parthasarthy*, the learned Senior Counsel appearing on behalf of the petitioner would argue that once the petitioner claims ownership of the property that is sought to be attached and showed in the execution petition, the

Page 4 of 10



obstruction can be made either by physically obstructing when the possession is sought to be taken or even by filing a petition before the Court. Once the petition is filed, the Court had to decide the merit of the claim or otherwise of the petitioner, as per the provisions of Order XXI Rule 98 to 101 of CPC. The petitioner was not even permitted to put forth her case, as the petition was rejected in the SR stage, without even numbering.

9. Even at the stage of admission, *Mr.A.Senthilkumar*, the learned counsel appearing on behalf of the workman took notice and *Mr.H.Mohammed Farook*, the learned counsel took notice for the 2nd respondent.

10. I have considered the arguments that are made by the learned Senior Counsel for the petitioner. At the outset, it can be seen that the workman has been facing the litigation from the year 1999 and is yet to realize the fruits of the decree. It is in this context, the Trial Court had swiftly undertaken the exercise of considering the execution application at the SR stage and dismissed the same. In this context, I am of the view that an opportunity can be granted to the petitioner to put forth her case as to whether the application was maintainable or not and the same can be considered after numbering the application that is filed. More
Page 5 of 10



Civil Revision Petition No.5032 of 2025

so, after finding that the workman has not realized the fruits of the decree even though now, 27th year is running, this Court passed over the matter by suggesting that if the petitioner pays a sum of Rs.5 Lakhs to the credit of the E.P.No.20 of 2024, of which the workman will be permitted to receive a sum of Rs.3 lakhs.

11. On behalf of the petitioner, the learned Senior Counsel sought for a pass over and thereafter on instructions, he would submit that the petitioner is willing for the said course. The learned counsel appearing for the workman would only plead that while granting the opportunity, the said sum should be immediately paid to the workman.

12. In view thereof, this Civil Revision Petition is disposed of on the following terms,

(i) The petitioner shall deposit a sum of Rs.5 lakhs to the credit of the E.P.No.20 of 2024 on the file of the Principal Labour Court, *Vellore*, on or before 23.01.2016;

(ii) If the said sum is deposited, the order dated 11.09.2025 made in E.A.No.Nil of 2025 shall stand set aside and the execution application shall be numbered and thereafter shall be dealt with afresh by giving due opportunity to

Page 6 of 10



Civil Revision Petition No.5032 of 2025

the parties, in accordance with law;

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(iii) Upon deposit of the said sum of Rs.5 Lakhs, without any formal application, a sum of Rs.3 Lakhs shall be paid out to the 1st respondent – Workman A.Subramani, either by drawing a Cheque or by transferring the said sum of Rs.3 Lakhs straightaway into the bank account, which may be furnished by the 1st respondent before the Trial Court;

(iv) It is made clear that no further extension of time shall be granted for depositing the amount;

(v) If the amount is not deposited on or before 23.01.2026, then this Civil Revision Petition is deemed to be dismissed and the order dated 11.09.2025 made in E.A.No.Nil of 2025 in E.P.No.20 of 2024 in C.P.No.243 of 2013 shall stand confirmed;

(vi) The parties, viz., the petitioner / third party, M/s. Kailash Leather Exports represented by *Mr.Amit J.Gohil*- the Management, *Mr.A.Subramani* – the workman are also referred to the District Mediation Centre, Vellore. The parties shall appear for the 1st mediation session on 27.01.2026 at 3.30 pm. The nominated mediator from the District Mediation Centre, Vellore shall attempt to resolve the disputes between the parties. As undertaken before this Court, all the parties shall cooperate for the mediation with open mind, so that the issue get

Page 7 of 10



Civil Revision Petition No.5032 of 2025

resolved at the earliest;

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(vii) No costs. Consequently, the connected miscellaneous petition is closed.

02.01.2026

Neutral Citation : No

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To

1. The Presiding Officer,
Principal Labour Court, Vellore,
2.The Secretary,
District Mediation Centre,
Vellore.



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Civil Revision Petition No.5032 of 2025

D.BHARATHA CHAKRAVARTHY, J.

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Civil Revision Petition No.5032 of 2025

02.01.2026



WEB COPY



Civil Revision Petition No.5032 of 2025

Civil Revision Petition No.5032 of 2025
and C.M.P.No.25409 of 2025

D.BHARATHA CHAKRAVARTHY.J.,

This matter is listed under the caption
“for being mentioned”.

2. When the matter was taken up for hearing, the learned counsel appearing for the petitioner brought to the notice of this Court that there is an error in paragraph No.12(i) of the order dated 02.01.2026 in C.R.P.No.5032 of 2025

3. Accordingly, in paragraph No.12(i) the date 23.01.2016 shall be corrected as **23.01.2026.**

4. The Registry is directed to issue a fresh order copy by carrying out the said correction.

06.01.2026

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