

**ORDER ON I.A.No.1**

The second party no.2 has filed application u/o 14 Rule 5 r/w Sec. 151 C.P.C with a prayer to frame additional issue with regard to jurisdiction of this court to adjudicate the matter.

2. In the Affidavit it is stated that, this court has framed additional issues and posted the case for evidence of the first party. In the meanwhile the applicant came to know that no issue has been framed in respect of jurisdiction of this court despite a specific contention raised in the counter statement in this regard. Hence, it is necessary to frame the additional issue with regard to jurisdiction of this court for proper and effective adjudication of the case. Hence, the application.

3. On the other hand, the first party has filed objections to the said application contenting that the application is not maintainable in law and same is deserves to be dismissed at the threshold. The applicant has not made out any ground to frame the additional issue has prayed for. The first party is the workman as contemplated u/s 2(s) of the I.D.Act, 1947 and the present dispute falls within the definition of 'industrial dispute' as defined u/s 2(k) of the I.D.Act, 1947. For this reason this court has got jurisdiction to try the above case. Hence, prays to dismiss the application in the interest of justice and equity.

4. Heard both sides on the application.

5. The following points do arise for consideration;

- 1. Whether the second party no.2 has made out grounds to frame additional issue with regard to jurisdiction of this court as sought for?*
- 2. What order?*

6. My answer on the above points are as under;

Point No.1: **Affirmative.**

Point No.2: As per the final order  
for the following

### **REASONS**

**7. Point No.1:** I have heard the learned counsels for the first party and second party. On going through the records it reveals that, the above case was posted for the evidence of first party. At that stage the second party no.2 has come up with the present application u/o 14 Rule 5 r/w sec.151 of CPC seeking to frame additional issue with regard to jurisdiction of this court to adjudicate the dispute. In the counter statement of applicant/second party no.2 at para no.16 it is contended that the first party is not a workman as per the definition of I.D.Act, 1947 and first party and second party

no.2 are governed by the provisions of the Contract Labour (Regulation and Abolition) Act, 1970, hence this court is not having jurisdiction to try the above reference. Per contra it is the contention of the first party that he is the workman as defined u/s 2(s) of the I.D.Act, 1947. Therefore, the contentions raised by both parties would show that the questions are required to be tried on merits of the case. Here the specific contention of the second party no.2 is that this court is not having jurisdiction to try the above reference. When a definite contention has been raised questioning the jurisdiction of this court to adjudicate the dispute, it is the obligation on the court to frame an additional issue to that effect, as otherwise it may causes serious prejudice to the case of the second party. Therefore, having regard to the facts and circumstances of the present case, the second party no.2 has made out grounds to frame additional issue as sought for in the application. In the circumstances of the case if the application has prayed for is allowed no harm or injustice would cause to the other side. In the light of the said reasons, I answer the point no.1 in the **Affirmative.**

8. **Point No.2:** For the above mentioned reasons on point no.1, I proceed to pass the following;

**ORDER**

*I.A.No.1 filed u/o 14 Rule 5 r/w 151 of C.P.C seeking to frame additional issue with regard to jurisdiction of this court to adjudicate the case, is hereby allowed.*

*Consequently, additional issued is framed as prayed for.*

*Call on for first party evidence by 17.09.2025.*

sd/-

**Presiding officer,  
Labour Court, Mysuru.**