

**BEFORE SHRI S.B. DIGE, MEMBER,
INDUSTRIAL COURT, AT MUMBAI**

Complaint(ULP) No. 28 of 2025
(CNR No. MHIC01-000048-2025)

Imran Ansari ... Complainant

V/s.

M/s. Heben Chartered Resources
Pvt. Ltd. & Ors

... Respondents

O R D E R (Below Exhibit U-8)
(10.11.2025)

01. The Complainant has filed this application for grant permission to make amendment to replace the name of M/s. Enkubator Resource Management in the title clause in place of M/s. Heben Chartered Resources Private Limited. The Respondents have filed say (Exh. C-5) and strongly opposed the application.

02. Heard both the learned Advocates. Perused the application, say and entire case.

03. Order VI, Rule 17 of Code of Civil Procedure provided that the Court may at any stage of the proceeding may allow either party to alter or amend his pleadings, which may be necessary for the purpose of determining the real questions in controversy between the parties. Provided that, such prayer shall not be granted if the trial has commenced or the Court satisfied that in spite of due diligence, the party could not have raised the matter before the

commencement of the trial. Generally, if the nature of proceeding does not change and no prejudice to either party, then the amendment may be allowed.

04. In the present case in hand the complaint is filed against M/s. Heben Chartered Resource Private Limited having two directors who are Respondent Nos. 2 and 3. Learned Advocate for the Complainant has argued that Complainant was getting salary from M/s. Enkubator Resource Management, therefore, he wants to replace this company on the place of Respondent No. 1 by mentioning name of Respondent No. 1 into the bracket. However, Complainant has not pleaded in the main complaint or present application that he was getting salary from M/s. Enkubator and therefore, M/s. Enkubator is employer. No relief is sought against M/s. Enkubator. Thus, if the name of the company is changed there would be change of nature of employer without pleading. Learned Advocate of Respondents submitted that Respondent No. 2 and 3 Directors are not Directors of M/s. Enkubator.

05. Thus, the Complainant is seeking amendment in the main complaint by changing the name of employer Respondent No. 1 without making any pleading on oath. Hence, this application is not tenable.

06. Hence, in the interest of justice following order is passed:

ORDER

i) Application (Exh. U-8)is rejected under Order VI, Rule 17 of the Code of Civil Procedure.

Sd/-

Date:- 10.11.2025.

(S.B. DIGE)

Pmk/-

Member,

Industrial Court, Mumbai