

Exh.O-2

BEFORE DHIRAJ P. KALE, PRESIDING OFFICER
FOURTH LABOUR COURT THANE.

Reference(IDA)No.26 of 2024

CNR No.MHLC040002022024

M/s. Hare Krushna Textiles and Others ...First Party

V/s.

Mr. Mukesh Kali Singh ...Second party

ORDER BELOW EXH.C-5

(Passed on 05/12/2025)

Perused application and say. Heard both sides. The first party has filed present application to seek leave to engage an Advocate. The second party has taken objection for the same as there is specific bar as per Section 36 (3)(4) of the Industrial Dispute Act.

2. The second party is being represented by an Union Representative. Section 36 of the Industrial Disputes Act deals with representation of parties. Section 36(4) deals with representation by a legal practitioner. It requires two aspects, firstly the consent of the other party and the leave of the Court. Herein, in order to get a permission to engage a legal practitioner, the first parties have not only to get a consent from other side but also to seek leave from this Court. This is an application seeking leave, but the other important aspect is the consent of the second party.

3. Herein, the second party has strongly objected granting any such permission to the first party. Reference was made to

the ratio of Hon'ble Supreme Court in the case of *Paradip Port Trust Paradip V/s. Their workmen reported in (1977) 2 SCC 339*. So far the ratio in this case is clear, wherein the first parties are supposed to comply with these aspects but though there may be a leave from this Court, there is no consent from the other side. So, the first party cannot be allowed to engage an Advocate to defend their case. Hence, the order follows,

ORDER

Application is rejected.

Date : 05/12/2025

Place: Thane
pps/-

(Dhiraj P. Kale)
Presiding Officer
Fourth Labour Court, Thane.