

**Exh.O-**

Before S.R. Bhor, Presiding Officer,  
Third Labour Court At Thane.

**Reference (IDA) No.59 /2023**

CNR No. MHLC04000560-2023

M/s Dhingar Silk Mills Pvt. Ltd. &  
& Ors.

... First Party

**V/s.**

Shri Srinivas Yallapa Kanike

... Second Party

**Order Below Exh. C-5****(Dated : 11/08/2025)**

The first party no.5 has filed this application to delete her name from intended dispute.

2. According to the first party no.5, she has been impleaded in the present reference by second party without having any employer-employee relationship between them. Further, first party no.5 is not owner of warping machine on which the second party alleged to have been working as Warper. The second party is totally stranger to the first party no.5 and there is commercial relationship between them. Therefore, first party no.5 is not proper and relevant party to the intended dispute. If her name is deleted, no prejudice or loss will be caused to second party. Hence, the first party no.5 as prayed to delete her name as she is not proper and legal party.

3. The say of second party was called. The second party has filed his say on this application and raised objection to delete the name of first party no.5. According to second party, the electricity connection and supply of the company is in the name of

first party no.5. Therefore, the first party no.5 is having nexus with the present matter. Hence, the second party has prayed to reject the application.

4. Perused the application and say. Also perused record. Heard the Ld. Advocate for first party no.5. The Union Representative as well as second party are absent, when called repeatedly. Hence, this application is decided without argument of the second party and on the basis of their say.

5. It is matter of record that the second party by filing statement of claim has prayed to reinstate him with full back wages along with other benefits. It is alleged by the second party that he was working in the employment of first party as warper and first party no.4 has orally and illegally terminated his service. However, the second party has not specifically mentioned the role of first party no.5 and her designation in the company. It reveals that she has been added in the present reference merely because the electricity connection of the company is her name. However, the second party failed to clarify the relationship between the first party no.5 and second party.

6. It is pertinent to note that there must be employer-employee relationship between the parties to claim reinstatement by filing reference. In the present matter it is clear from the say of second party that the first party no.5 is added in the present matter only because the electricity supply of the company is in her name. In such circumstances, the first party no.5 can not be said to be necessary party to the present reference. Further, the present reference can be decided on merit in the absence of first party

no.5. Hence, it is necessary to delete the name of first party no.5 from the array of first party. In the result, I pass following order:

**Order**

- 1) The application is allowed.
- 2) The name of first party no.5 be deleted from the array of first party.
- 3) The second party to comply accordingly as per law.

Sd/-

Place : Thane  
Date : 11/08/2025  
Kpm/-

(S.R. Bhor)  
Presiding Officer  
Third Labour Court, Thane