

R. C. S. No. 24/2020
Reliance Industries Ltd. Vs.
Lokshassan Andolan Sangharsh
Samittee & Ors.
(CNR No. MHRG090001192020)

ORDER BELOW EXH. NO.100

Present application is filed by defendants for amendment of say and written statement. It is submitted that plaintiff has filed present suit for perpetual injunction with application for temporary relief. Defendants have reliably learnt that plaintiff has moved an application for interim relief against Lokshasan Andolan Kamgar Union and its office bearers i.e. defendant No.2 to 4 for same relief on the same accusation. It is filed before the Hon'ble Industrial Court, Thane in the matter No.45/2019. In view of this fact, defendants have prayed to allow the application to amend last para of their say and written statement and bring the above facts on record. The proposed amendment is just and necessary to decide the controversy and it does not change the defence of defendants.

2. The application is opposed by the plaintiff by filing his say. He submitted that present application is devoid of merit. The complaint which is filed in the Industrial Court is against registered trade union and its office bearers who are not party to the present suit in capacity of union and its office bearers. Present application is filed with an intention to prolong the hearing of temporary injunction application.

Hence, on these grounds, he has prayed to reject the application with costs.

3. Heard Ld. Advocates for respective parties. Present suit is filed against the Lokshasan Andolan Sangharsh Samitee i.e. defendant No.1 and defendant No.2 to 4 for declaration and perpetual injunction to restrain defendants from carrying any agitation within the 500 meter radius of the plaintiff's premises. Defendants have appeared and filed their written statement below Exh.66.

4. By the proposed amendment, defendants have prayed to insert the averments in respect of filing of complaint bearing No.45/2019 before the Hon'ble Industrial Court, Thane by the plaintiff. Considering the rival contentions plaintiff appears to have filed complaint before the Hon'ble Industrial Court against Lokshasan Andolan Kamgar Union and its office bearers i.e. defendant No.2 to 4 in the present suit. As per the plaintiff, said complaint is filed against the registered trade union and its office bearers, who are not the party to the present suit in the capacity of union and its office bearers. In view of rival contentions, whether, the proposed amendment has any relevance with the present suit or not, it cannot be decided at this stage. The proposed amendment appears to be a ground of defence of defendants. They have a right to raise it.

5. The proposed amendment does not change their defence nor it will cause prejudice to the plaintiff. Moreover, suit is at preliminary stage and trial is yet to commence. Therefore, it

would be proper and in the interest of justice to allow the present application. It will help the Court to adjudicate the matter on merits. Hence, for these reasons, following order is passed.

ORDER

- i) Application (Exh.100) is allowed.
- ii) Defendants are permitted to carryout the amendment in their say and written statement in light of the averments in the present application.
- iii) Defendants are directed to carryout the amendment within 14 days from today and submit its copy on record as well as supply the same to the plaintiff.
- iv) No order as to costs.

Date: 22/01/2021

Place:-Roha

(S. D. Kamalakar)

Civil Judge, Junior Division Roha.