

**BEFORE P. S. KULKARNI, PRESIDING OFFICER
SEVENTH LABOUR COURT AT MUMBAI
APPLICATION (IDA) NO. 10 OF 2016**

Mr. Chandra Mani Singh
V/s.
M/s. Arch Pharmalabs Ltd.

... Applicant
... Opponent

ORDER BELOW EXH. C-3
(Passed on 24th July, 2018.)

1. Present application filed by opponent company and prayed for setting aside the ex-parte order passed by this Court against it and contended that, due to internal problems between company, counsel on record unable to appear and proceed with matter. Therefore, this Court passed ex-parte order against opponent company. However, in the interest of justice, ex-parte order be set aside and allow opponents to file their written statement on record.

2. Applicant filed his reply at Exh.U-5 and strongly objected for setting aside the ex-parte order and contended that, application is not maintainable in eye of law as signatory of application not acquired any right to sign the written statement, because official liquidator is bound to appear in present matter as process of winding up have been started through provisional liquidator. Therefore, applicant strongly objected into that effect.

3. Heard Ld. advocates Shri Sudhir Upadhaya for opponent company and Smt. Geeta Raut for applicant employee. Perused the application and say therein. On perusal, it crystallized that, applicant employee strongly objected for setting aside the ex-parte order on the

grounds of signatory of application have not acquired any right to sign the written statement as official liquidator has been appointed in opponent company. I have gone through the aforesaid submissions of counsel of applicant. Considering the same, I am of opinion that, grievance raised by counsel of applicant needs to be considered on its own merits as well as on the basis of strong and bulky evidence. So far as concerned with the present involved issue, I am of opinion that, same is only concerned with setting aside the ex-parte order, which passed against opponent company.

4. Therefore, considering all these aspects and taking overall view of the matter, I am of opinion that, for the sake of justice as well as for the effective adjudication of claim of applicant, present application needs to be allowed in terms of following order.

ORDER

1. Application at Exh. C-3 is hereby allowed subject to costs of Rs.200/- (Rupees Two Hundred only). Same be paid to applicant.
2. Matter is fixed for filing written statement of opponent company.

Sd/-

(P. S. Kulkarni)

Judge,

Seventh Labour Court, Mumbai.

Place : Mumbai.

Date : 24/07/2018.

Rsr/-