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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ W.P.(C) 7314/2008, CM Appl 11183/2013, CM Appl. 4856/2015,
CM Appl 18070/2017, CM Appl. 5783/2015, CM Appl. 14847/2015

THE STATION INCHARGE CENTRAL POTATO RESEARCH
INSTITUTE Petitioner

Through Mr. B.S.Mor, Advocate

versus

NAGMA MOSMAT & ORS Respondents

Through Mr. Ashutosh Dixit, Advocate

CORAM:

HON'BLE MS. JUSTICE ANU MALHOTRA

ORDER

% **19.09.2017**

As per cause list CM No. 4856/2015 which is an application under Order 22 Rule 4 CPC filed on behalf of the proposed LR's of deceased respondent is shown to be listed. A perusal of the proceedings on record indicate that vide order dated 3.5.2017 inter alia CM No. 4857/2015 has been disposed of. CM No. 4857/2015 on perusal thereof indicates that this is an application seeking condonation of delay in filing the application seeking to bring on record the LR's of the members of the respondent-union. Vide order dated 3.5.2017 though CM No. 4856/2015 is also indicated to have been listed for consideration for today, it is apparently from order dated 3.5.2017 itself which reads to the effect in relation to CM No. 14847/2015 & 4857/2015 as under:-

“By way of CM No. 4857/2015, some of the legal heirs

of members of respondent-Union are sought to be brought on record. The impugned award is in general terms which enure to the benefit of 89 members of respondent-Union whose particulars are given in the claim petition filed by respondent-Union before the trial court.

Upon hearing, it is deemed appropriate not to entertain these applications with the clarification that in the event of petitioner succeeding in this petition, the benefit of impugned order shall accrue to the legal heirs of the members of respondent-Union.

With the aforesaid clarification, both these applications are disposed of.

WP(C) 7314/2008 & CM No. 11183/2013, 4856/2015, 5783/2015

Rule has already been issued.

At request of respondent's counsel, list on 19th September, 2017 at the end of the Board."

The application no. CM No.4857/2015 is apparently erroneously typed which ought to be CM No. 4856/2015 which sought to bring on record the LR's of the deceased members of the union in relation to which it was observed vide order dated 3.5.2017 that it was deemed appropriate not to entertain the said application with the clarification that in the event of the petitioner succeeding in the petition, the benefit of the impugned order would accrue to the LR's of the members of the respondent union.

In view thereof, CM No. 4856/2015 was apparently dealt with order dated 3.5.2017 with which CM No. 4857/2015 the application seeking condonation of delay in filing the same, the CM 4856/2015 was taken up. Thus, the CM No. 4856/2015 be not listed in future by the Registry.

W.P.(C) 7314/2008 & CM APPL. 11183/2013

An adjournment is sought on behalf of the respondent submitting that the counsel for the respondent is indisposed, which prayer is vehemently opposed on behalf of the petitioner *inter-alia* submitting to the effect that a large amount of money has already been paid in terms of directions under Section 17B of the Industrial Disputes Act, 1947. Written submissions on behalf of petitioner are reported to have been filed. Written submissions of the respondent not yet filed till date be filed within three weeks as a last opportunity.

The matter be renotified for consideration of CM No. 11183/2013 for 16th November, 2017 at the End of the Board.

ANU MALHOTRA, J

SEPTEMBER 19, 2017

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