

**IN THE HIGH COURT OF GUJARAT AT AHMEDABAD****R/SPECIAL CIVIL APPLICATION NO. 3947 of 2026**

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MANISHBHAI BIPINBHAI SHAH  
Versus  
CHIRAG VIRAS MANUBHAI  
=====

Appearance:

MS MOHINI J BHAVSAR(3071) for the Petitioner(s) No. 1  
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**CORAM:HONOURABLE MR. JUSTICE ANIRUDDHA P. MAYEE**

**Date : 20/03/2026**

**ORAL ORDER**

**1.** Heard the learned counsel Ms. Mohini J. Bhavsar for the petitioner.

**2.** It is submitted that the award dated 05.02.2019 came to be passed ex-parte against the petitioner. The learned counsel submits that in the said award, it has been recorded that the premises is closed and that since nobody is available at the said address, notice has been affixed on the same. The learned counsel for the petitioner submits that the petitioner came to know about passing of the award only when the notice in Recovery Application No.23 of 2023 came to be served upon the petitioner at the residential address. She submits that thereafter, the petitioner filed the Delay Condonation Application No.12 of 2025 in Reference (LCA) No.494 of 2016 seeking condonation of delay and setting aside of the ex-parte award detailing out the circumstances. She submits that the said Delay Condonation Application has been rejected by the learned

Labour Court, Ahmedabad vide order dated 25.08.2025. She submits that thereafter, Recovery Application No.23 of 2023 has also been decided on 20.09.2025.

**3.** The learned counsel submits that in absence of any hearing and in view of non-consideration of the facts stated before the learned Labour Court in the Delay Condonation Application as well as Application for recalling the ex-parte award, the petitioner is seriously prejudiced. She submits that the petitioner workman has voluntarily resigned from the company and the petitioner has also placed the resignation letter before the learned Labour Court in the recovery proceedings as well as applications for delay condonation and recalling the ex-parte award.

**4.** Issue **Notice** as well as **Notice as to interim relief**, returnable on **12.06.2026**.

**(ANIRUDDHA P. MAYEE, J.)**

cmk