



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH AT NAGPUR

CIVIL APPLICATION (CAF) NO. 374 OF 2024

IN

FIRST APPEAL NO. 366 OF 2022

Sachitannand Chandrashekar Malavalli Bhat

Vs.

Smt. Hemlata wd/o. Rajaram @ Ramraj Lilhare & Ors.

Office Notes, Office Memoranda of Coram, Court's or Judge's orders
appearances, Court's orders of directions
and Registrar's orders

Mr. S.S. Joshi, Advocate for the Appellant.
Ms. Aarti Singh, Advocate for Respondent Nos.1 to 4.
Mr. C.A. Anthony, Advocate for the Intervenor.

CORAM : G. A. SANAP, J.

DATED : 5th FEBRUARY, 2024.

1. This is an application for intervention by the original non-applicant No.1. The award has been passed against the original non-applicant Nos.1 and 2. The appeal is filed by the original non-applicant No.3.

2. In view of this, this applicant/intervenor is necessary party. As such, the application is allowed. The appellant is directed to add the applicant/intervenor as respondent No.7.

3. The amendment/correction be made within one week.

4. The application stands disposed of, accordingly.

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5. This is an application for framing the substantial question of law. It is seen that in the appeal memo, the

substantial question of law has not been stated. The reasons have been stated in this application for this lapse.

6. The appellant claims to be the licensor of respondent No.6. It is stated that the possession of the premises was given to respondent No.6 on 10th December, 2014, with a right to the respondent No.6 to carry out the miscellaneous works necessary to comply with the stipulations of its Vaastu Shastra Consultant and to meet the target for Pooja.

7. It is stated that the deceased was employed by respondent No.6. It is stated that though the agreement commenced on 1st January, 2015, the actual possession was handed over on 10th December, 2014 for the purpose of carrying out the repairs/renovation. It is submitted that since the possession was already given to respondent No.6 and the deceased was employed by respondent No.6, there was no relationship of employer and employee between the appellant and the deceased.

8. In my view, considering the peculiar facts, the issue of law arises in this case is as follows:

Whether there was a relationship of employer and employee between the appellant and the deceased, inasmuch as the deceased was allegedly employed by respondent No.6 for the purpose of carrying out the repairs/renovation in the premises pursuant to the letter dated 10th December, 2014?

9. The application stands disposed of, accordingly.

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10. Heard.

11. **ADMIT.**

12. Learned advocate Ms. Aarti Singh waives service of notice on behalf of respondent Nos.1 to 4.

13. Learned advocate Mr. C.A. Anthony waives service of notice on behalf of respondent No.7.

14. Call for record and proceeding within 15 days and list this matter for final hearing on 6th March, 2024.

15. Paper-book be filed on or before 6th March, 2024.

(G. A. SANAP, J.)

Vijay